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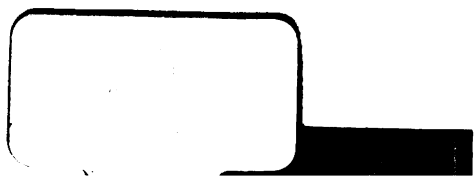
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THE CASE

OF

EDWARD HARRIS,

WHO WAS EXECUTED AT NEWGATE, FOR ROBBING AND
ILL-TREATING SARAH DREW,

INVESTIGATED,

AND

FACTS AND ARGUMENTS ADDUCED,

TO PROVE HIS INNOCENCE.

BY JAMES HARMER,

ATTORNEY AT LAW.

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1825.



TO THE PUBLIC.

When I commenced the task of observing on the case of Harris, I considered my remarks would come within the space of a few newspaper columns; and, having an interest in the WEEKLY DISPATCH, I selected that Journal as the medium for their communication. As I proceeded, however, in the investigation, new facts arose, and suggestions occurred, which I could not refrain from disclosing; and the investigation has run to an extent, that, in the onset, I never contemplated. For several weeks past, a considerable portion of THE DISPATCH has been occupied with those remarks; and, finding it inconvenient to the Editor, to continue the subject in its dilated form, and several friends having urged me to publish the whole together, I, in accordance to their wishes, obtrude the following pages

on the public notice. I am aware that it can have no pretensions to literary merit ; and, from the hasty and detached manner in which the observations were sent to the press, I fear that many errors, and confusion in the arrangement, will be apparent. For these and other imperfections, the only excuse I have to offer, is deficiency of talent to write in a finished style, and want of leisure, from my professional avocations, to correct and arrange the matter. But if I have expressed my ideas intelligibly and perspicuously to the reader, and he will give me credit for good intentions, my aim is accomplished.

JAMES HARMER.

No. 87, HATTON GARDEN,

April, 1825.

OBSERVATIONS,

&c. &c.

HAVING unfortunately been selected to defend Edward Harris, who was executed on Tuesday, the 22d of February, 1825, for a supposed highway robbery, accompanied with cruelty; and feeling a firm persuasion that he was perfectly innocent of the offence for which he suffered, I consider it as a duty I owe to the widow of the unhappy man, to his now fatherless children, and to the public at large, not only to avow my sentiments on this subject, but also to state the facts and circumstances which have induced me to form my present unequivocal and undoubting opinion:—still, as I have no purpose to answer beyond the ascertainment of truth, and the advancement of justice, I shall enter upon the inquiry with a determination to conduct it with calmness, candour, and impartiality—and shall neither suppress nor distort a single fact, but fairly relate every thing within my knowledge; and thus enable the readers themselves to form a correct opinion as to the guilt or innocence of the accused. If I am mistaken in my view and opinion, I am open to conviction, and will readily attend to any new lights that can be thrown on the case; but, with my present impressions, I do not hesitate to say, that a gross imposition has been practised on the public mind, and that the laws of the country have been made subservient to the worst of purposes; nor shall I abstain from animadverting on

the conduct of those who appear to have suppressed circumstances which would have proved the discrepancy of some parts of the prosecutrix's story, and consequently rendered her unworthy of full credit as to the remainder.

As the origin of the transaction about to be investigated may not be known to the reader, it will be necessary, for the clearer elucidation of the subject, to give the following outline :—

On Monday, the 27th of September, 1824, a quantity of silk was stolen from the warehouse of Mr. Hale, a silk manufacturer, residing in Wood-street, Spitalfields. Sarah Drew, who was in the service of Mr. Hale's foreman, either saw, or says she saw, a man enter the door and go towards the warehouse; and although she did not suspect any thing wrong, yet, as she asserts, she took so much notice of him, that she should be able to recognize and identify him, if she should see him again. A reward of fifty pounds was offered for the discovery of the offenders, which put the police officers on the alert, and they, on the 29th of October, took Sarah Drew with them to the resort of thieves, to see if she could assist them in apprehending the man whom she said she had seen enter the house. On this occasion the prisoner, Harris, was *twice pointed out* by the officers to the notice of Sarah Drew; but, it seems, she could not be prevailed on to accuse him; on the contrary, she said he was not the man. On this part of the conduct of the officers I shall hereafter have occasion to make some remarks; for the present, it may be sufficient to state, that it is perhaps owing to their representations respecting him, and the anxiety they evinced to persuade her that he was concerned in the felony, that he was afterwards selected by her, as the object for accusation.

On the evening of Sunday, the 3rd of October, a few

minutes after six o'clock, as two men were crossing the London Field, near Hackney, a female calling out to them for help; they went to the spot from whence the voice came, and found Sarah Drew standing at the edge of a small pond by the path side; her legs were muddy, and her person wet up to her breast; she appeared to be agitated, and complained of having been robbed, and thrown into the pond. The men took her to the Shoulder of Mutton and Cat, public house, from whence she was conveyed in a coach to the house of *Garton*, the head constable of Worship-street. The next day, at about eleven o'clock, the prisoner was apprehended, and taken to the police office, Worship-street; when, after a short examination, he was sent to the House of Correction, and there kept, under close confinement, until the following Monday; he was then finally examined, and fully committed for trial.

The prisoner had no person attending on his behalf when first taken to the police office, but he has most positively and solemnly asserted, that the story then told by the prosecutrix was different in many particulars from what it was on his final examination, and on his trial. Endeavours have been ineffectually made to obtain accurate information on this head; and in answer to the applications made at the office for a perusal of her original information, it is said there is none, and that not a word remains at the office of her statement. There is, however, this singular variance on the subject:—Mr. Osborne, the committing Magistrate, says, that no deposition was taken on the 4th of October, while Mr. Bayles, the clerk, says, that he *then* took the full deposition of the prosecutrix, and that the same paper was afterwards returned to the Old Bailey, with the other informations, and that no copy or extract of this deposition was kept at the office.

This conduct is certainly unusual, and contrary to the common and ordinary practice. At most of the other police offices the evidence, as first given by the witnesses, is entered in the office books ; and when a case is subsequently sent for trial, the depositions are transcribed on paper, signed by the witnesses and the committing Magistrate, and transmitted, conformably to the statute, to the Clerk of the Arraigns, for the use of the trying Judge.

In the absence of any written account of the story first told by the prosecutrix, at the police office, I do not feel justified in minutely commenting on the variations and contradictions which I am told existed between that account and the one which the prosecutrix subsequently gave, but shall principally confine my investigation and remarks to the testimony given by her on the trial of the unfortunate man ; and, if, in analyzing that testimony, even without bringing in aid the strong facts in my possession, I do not show that *all* is improbable, and *many parts* impossible, I am monstrously mistaken.

Before I commence my task of animadverting on the evidence, I cannot refrain from noticing, with regret, that this particular prosecution should have been conducted, not by the honourable solicitors who have been, and still are, usually employed by Mr. Hale, and the gentlemen of the silk trade, but by *Mr. Bayles*, the second clerk at the Worship-street police office, who is not a solicitor ; and it is well known that he was in almost daily communication with the prosecutrix, from the time she first made the charge until the trial ; that he was assisting in all the subsequent investigations that took place at the instance of the Secretary of State, and was aided by nearly the whole of the officers of the Worship-street establishment, and an amateur in police affairs, living in the vicinity ; who, while he pretended

to be interested for Harris and his family, took a decided part against the unfortunate man. Tales were invented, and reports propagated industriously, to his prejudice, so that people who would otherwise have pursued the investigation calmly and disinterestedly, and probably have arrived at a conclusion in the prisoner's favour, were prejudiced in the outset, and could not afterwards overcome the prepossession they had imbibed against him.

A day or two before the second examination of Harris, being engaged to attend on his behalf, I sent a clerk to him in the House of Correction, to learn the particulars of his case; he was, however, only able to tell him, that some woman had sworn to his assaulting and robbing her in Hackney Field, at a time when he was at his own house.

On Monday, the 11th of October, I went to Worship-street, to be present at the prisoner's examination; on entering the office, I found Harris at the bar, and a number of persons, who I understood were publicans and their servants in the neighbourhood of Hackney, were ushered in to look at the prisoner; all of whom disclaimed knowing any thing of him. The prosecutrix then shortly told her story: Garton and other officers standing closely by her side. When she had concluded, I asked the distance from the place where she was first seized, to the pond:—Hanley answered, that it was six hundred and eighty yards; and then, recollecting the publicity of London Field, although I had not been there for some years, it occurred to me as very unaccountable, that in that public field, any person could, on a Sunday evening, before dusk, have been treated in the way she described, without many persons seeing, and affording her assistance. I therefore asked, "Did not many people pass near you,

who could have rendered you assistance?"—She answered, "*Oh! yes; but they would suppose I was walking with friends arm in arm.*" This answer at once satisfied my mind, and I declined asking any other question.

At this time I was sorry to perceive a strong feeling exhibited against the prisoner by many persons in and about the office, and an evident anxiety to uphold the inconsistent and strange story of the prosecutrix. When any improbability in it was pointed out, it was endeavoured to be reconciled; and if this could not be effected, an excuse was made that she was a woman of weak intellect, and that every allowance was to be made for her, considering the terror she must have been in; her character too was held forth as answering all objections; and, because her honesty could not be impeached, it was said her veracity ought not to be doubted; so that, according to the opinions of some people, her account was not to be questioned, however preposterous and absurd. Perceiving, at this time, the machinery that was in motion, and the prejudice excited against Harris, I admonished him to prepare for the event which I foresaw was likely to befall him. The poor man appeared astounded at my communication, protested that he was at home with his family at the time the prosecutrix spoke to, and desired that his children might be heard to confirm his statement; but they were not called, because, whatever might be their evidence, the Magistrate could not have avoided sending the case to trial; the children, therefore, although in attendance, were not then examined.

I have had occasion to observe, that when a man of loose character has become obnoxious to the police, and it is desired to excite a strong feeling in the public mind against him, convenient persons are always at hand, in what are called "the penny-a-line men."

These persons are always lounging about police offices, to catch any case of interest in the absence of regular reporters; and, to curry favor with the officers, they dress up paragraphs to suit their object; these are inserted in the different newspapers, and the poor destined wretch is execrated before he is heard in his defence, and condemned in the public opinion before he is put upon his trial. If, on a calm and cool reflection after conviction, any doubts are entertained of his guilt, the same engines are employed to overcome all scruples and difficulties. He is reported to have confessed his guilt; or it is asserted that some fact, equally conclusive, has been discovered, and he is consigned to his fate without sympathy or commiseration: and I am sorry to have occasion to observe that this conduct was adopted in regard to Harris; for, on the day after his apprehension, a report appeared, headed "Robberies, and attempt at Murder," in which, before entering into any of the particulars of the case, it is stated that Harris, who was accused of the offence, was known in Bethnal Green by the name of *Kiddy Harris*, and that he was equally as well known to the Governor of Botany Bay, when, in point of fact, the man was never there; he had it is true, many year ago, been sentenced to be transported, but he only went to the hulks, and was pardoned on account of his good behaviour there, when about half his time had expired.

On Friday, the 29th of October, the prisoner was brought to the bar, at the Old Bailey, for trial, before the Honourable Mr. Justice Parke; and as it is my intention to animadvert on almost every sentence uttered on the trial by the prosecutrix, I shall transcribe her evidence, at length, from the short-hand report published by the authority of the City of London:—

SARAH DREW.—I am servant to Mr. Hale, a silk manufac-

tuner, who lives at No. 9, Wood-street, Spitalfields. On Monday, the 27th of September, his house was robbed: and on that day I saw a person come into the entrance of the door before the robbery.

I communicated this to the police officers, and Hanley directed me to go after the man wherever I should see him. I accompanied Hanley and Attfield, two days after the robbery (on the 29th of September), to a ground where there were a great many men tossing half-pence. I saw one of the officers there put his hand on the shoulders of the prisoner at the bar, and say something to him, which I did not hear. My attention was directed to the prisoner. In consequence of that, I looked at him, and observed him particularly, and afterwards had some conversation with the officers about him. I did not know him before. I told the officers that he was not the person I had seen in my master's house. I saw him again, half an hour afterwards, in the same ground. The officer had taken me somewhere else in the interval.

We returned again, and saw the same man there. I observed him again, as the other officer was talking to him then; and I think he said, "Kiddy, how came you here?" I was still of the same opinion, that he was not the person I had seen at my master's house. On Sunday afternoon following (the 3rd of October), I went to Shoreditch Church, to hear a Charity Sermon. I had a five shilling piece, two half-crowns, eight shillings, and a sixpence in my purse. I left the church soon after five o'clock, and gave one shilling to the charity, leaving seventeen shillings and sixpence in my purse. I had my umbrella and a shawl. When I came out of the church, I saw the man whom I had seen in the entry of my master's house on the day it was robbed; he was outside the church rails, holding the rails with both hands. The officer had desired me to follow him, if I should see him. He had not said so on the ground. I followed the man a little way down Hackney-road, and then up a turning, over into a field, over the canal, and then down a turning, and over the canal again, and up a turning which took me into the London Field. It was daylight; I could see perfectly; it was very light. I kept the man in view all the way; and when I got into the London

Fields, the prisoner at the bar took me by the arm, and asked me if I knew him. He came behind me: I looked at him, and said, "I do not know you, Sir." I did know him very well, but said so from fear. I knew him from seeing him in the ground. He then beckoned to another man, who instantly came up to me, and instantly took hold of my other arm. I still saw the man going down the path of the field. The prisoner told the other man to put his hand over my mouth, that I should not halloo: he put it over my mouth, and held it tight. He had nothing in his hand: but when we got a yard or two further, the prisoner crammed some hay into my mouth, and said to the other man, "Now hold your hand over this." He did so; and the man whom I had been following, when he saw the other two holding me, crossed over and said, "Oh! d—n her, make her take off her pattens, that she may go on faster." I put them off with my feet, each man holding me by the arm, and left them there. They walked me along, as fast as they could, to the end of the field, still holding me all the time; and when we came to the end of the field, they took me down a lane, with a hedge on each side: it leads down to a pond. As we went along the lane, the man whom I had been following, said, "Oh! d—n her, drag her down faster." And when I came to the pond, the prisoner at the bar took the umbrella out of my hand, and my shawl off: he pulled out a rope, about a yard and a half long, from his pocket, and said, "I will hang her, and she cannot swear against us then." The prisoner said so. The man who held my other arm told the prisoner to search me, to see what I had. He said, "Search her, and see what she has." The prisoner searched my pockets, and took out my purse, which had the money I have mentioned in it, and I saw him put it into his left-hand waistcoat pocket, and said, "D—n the b—g—rs, they cannot swear to money." Then he (the prisoner) took hold of my shoulders, and the other man, who held my arm, held my feet, and they threw me over a rail. I rolled down into the pond. There was a great deal of water in the pond. Every part of me, except my head, was in the pond. The man whom I had been following, then said, "D—n her, poke her down under the water;" the prisoner said, "Oh! she wont rise any more."

Before I was thrown into the pond, the man I had followed came up to me, and gave me a blow in the breast, and I fell back against the rail of the pond. I was thrown over the rails with force. When I was in the water, I heard one of them ask if my shawl was all silk, another said it was all silk, it was made with hard silk: another said, "We won't have any thing that belongs to her, because there may be a mark on it, which the b—g—s can swear to." The prisoner came to the edge of the rails, and said, "Here goes," and threw the umbrella and shawl into the pond.

I pulled the hay out of my mouth in the pond, I heard one ask the other how much he had; another said 17s. 6d.; and they said, "Now she is gone, we will go to the White Horse, at Hackney, and regale ourselves." They went away. I remained in this situation for a minute or two after I heard their voices, fearing that if I came out too soon, they would poke me into the water again; and then I crept out of the pond, and sat by the edge of it. I heard two men talking; I peeped up to see who they were, and asked them to help me over the rails. I was all wet up to my neck, and muddy. I asked them to take me home to my father; they said I had better go to an alehouse at the end of the field; I walked behind them to the Cat and Shoulder of Mutton public-house.

The man held my mouth all the way with the hay in it, which prevented me hallooing. The landlord got me a coach, and I went to the office.

I am positively sure of the prisoner, and described him to the officer.

I had an opportunity, as I went along the field, of seeing his features, I saw him all the way along for twenty minutes, I dare say.—I was face to face to him when he drew the rope from his pocket. I have not the slightest doubt of his being the person. I afterwards saw the officers who had accompanied me to the ground, and communicated it to them.

In answer to questions on cross-examination, by Mr. Andrews the prisoner's counsel, she said, It was about eleven o'clock in the day she saw the man at her master's. It was not the prisoner.

I was not alarmed then. It was about four o'clock in the afternoon when the officers took me to the skittle-ground; a good many men were there. I always go to Shoreditch Church. I did not see the prisoner when I came out of the church. My way home was towards Bishopsgate-street. It did not occur to me to take somebody with me; there was nobody there that knew the man but me. I knew none of the people about, and said nothing to them. People were passing in the road. I did not ask for assistance there. The man walked as any one else would. I noticed his dress. I do not know the name of the lane which he turned down. It is a public lane, and persons were passing. I was never there before. *There was not a soul passing in the field at the time the two men had hold of my arm. I did not see any one pass me in the field where they took hold of me. I was in the pathway of the field when they took hold of me, but nobody was passing. I could not call out, because I was alarmed, and the prisoner beckoned to the other, who instantly came up. I had not time to cry out. I had not presence of mind to call out, I was so alarmed. I pulled my arms to get from them; but they held me so fast, I could not; and as the other man came up, he put his hand over my mouth, and the hay was put in.*

Now mind what I ask you. Did you not in your way to the pond pass several persons?—No, I did not, not one; I have never said that I did pass persons. I did not say at another place, when giving this account, that if I had seen persons I would not have mentioned it, for they might have noticed me.

Did you not say that *if persons had passed, they might have supposed you were walking arm and arm with the men?*—Yes. I did not tell the Magistrate that persons passed after the three men were in my view. I passed some houses, but I could not call for help; the man's hand was over my mouth, and the hay in it. I must have seen persons, if they had passed. I was alarmed when they caught me by the arm, but I should have seen if any person passed in the pathway; nobody did. My alarm continued till I got to the pond. One side of the pond is open to a field. One side has a fence, and the other a hedge. I was thrown over the rails. It has rails along: I COULD HAVE GOT UNDER THEM. *When the man said he would hang me, I thought I should have died.*

Then the alarm increased, I suppose?—Yes. I did not lose my senses at all. *I laid in the pond, and heard their conversation. I was holding by a piece of wood in the pond to keep my head up.*

There was a part of the pond where they might have put you in, without throwing you over the rails?—No; the part that was open is in a field, not where we were; they could not put me in where we were, without throwing me over. I have seen the pond since. *I heard and remembered all they said.* I have told this story at the office, and at Hicks's-hall. I have not talked to my friends about it, for every time I think of it, it hurts my mind. I have not described the pond as six hundred and eighty yards from the Cat and Shoulder of Mutton.

Mr. Law.—You have an impediment in your speech?—I have.

Court.—You have been asked why you did not communicate to people that you were going after the man; you was told, if you saw him, to watch where he went to?—Yes; not to have him taken. I was to watch where he went, and the officer would make inquiry. The man saw me when I saw him in my master's entry.

Jury.—Can you state where you last saw any body walking to and fro?—By the Cat and Shoulder of Mutton. That is a great way from the pond.

In a subsequent part of the trial she said *that the place where the pattens were found was where she had put them off*: and on being asked by one of the Jury, “*if her bonnet was thrown off her head?*” She answered, “*No, it was wet at each end; I can show the marks upon it now.*”—Producing it.

As the prosecutrix commences her testimony by referring to what occurred in the skittle-ground on the 29th of September, when she accompanied Hanley and Attfield to look for the thief, I shall adopt the same order, and make the observations thereon which I before promised.

In the first place, it may be necessary to remark, that Harris was very short, he being only five feet three inches in height, and a square, stout-made man. Now, as Sarah Drew described the person she had

seen at Mr. Hale's as being tall and thin, I am at a loss to conceive why suspicion should have fallen on Harris; but yet, the officers appear to have directed her attention to him, with more than ordinary or justifiable perseverance. This woman *was to point out* the offender, if she saw him; but, instead of leaving *her* to make the selection, *the officers* seem anxious to fix on Harris. One of them taps him on the shoulder, and enters into conversation, while the other remains with the prosecutrix, and directs her attention to Harris: and, she says, "In consequence of that, *I observed him particularly*; and afterwards had some conversation with the officers about him. I did not know him before; I told the officers *he was not* the person I had seen in my master's house." This declaration, surely, ought to have satisfied the police that they were mistaken, if they suspected him to be the man, and they should, therefore, have given up all thoughts of involving him in the charge; but, it seems, they resolved on making another effort. She has stated that, after the first view, the officers told her, "they knew of no one so likely as Harris to be engaged in the concern, and they arranged that she should go and look at him a second time;* and accordingly, in half an hour, they return, when the officers reverse their situations with respect to Harris; the one, who had formerly spoken to him, now remaining with the prosecutrix, while his companion entered into conversation with Harris, by asking, "Kiddy, how came you here?" She appears, however, not to have deviated in this instance; but, according to her own account, she persisted in saying, "*I was still of the*

* I have been informed that a great deal more was said by the officers on this occasion; but I forbear giving the particulars, and confine my statement to what is completely confirmed by Sarah Drew's own evidence.

same opinion, that he was not the person I had seen at my master's house."

After Harris was condemned, and I was revolving in my mind this, as well as some other parts of the conduct of the officers, I could not help suspecting that some cause of ill will existed between them and the prisoner, and I went to the cells to ask him if he had given them any particular offence, and then, for the first time, he told me, "that they had for a long while owed him a grudge;" and that, about four years ago, he had been prosecuted by Garton and another officer on charges of assaulting them, and was on that occasion imprisoned in the House of Correction; and while there, an apprentice of one of the officers, who was punished for unruly conduct, mentioned some threats he had heard his master use respecting him, Harris. I do not, however, think that the least reliance out to be placed on the latter circumstance, because the apprentice was, doubtless, a bad boy, and perhaps a liar, I therefore forbear to state the officer's name, and the words said to have been used by him; but, as the circumstance was mentioned to me by Harris, I could not altogether refrain from mentioning it.

I now come to the more material parts of the prosecutrix's testimony; and, first, as to the place where she saw the thief.—Those who are at all acquainted with the police of the metropolis well know, that if an offender is aware he is sought after, or, in the cant phrase, "*wanted*," he absents himself, and, if possible, keeps out of the way, until he thinks the pursuit is abandoned, and he may show himself with safety; but, in this case, contrary to all others, the thief presents himself to the view of all the congregation as they are coming out of the Church, and stands holding the iron rails with his face towards the people, until he fixes her attention, and decoys her away, to follow him.

Now, the natural conduct of any woman, under such circumstances, would have been, the moment she saw the thief to point him out to the numerous people by whom she was surrounded, and beg them to seize him. This denouncement and request, I should have thought, would have been instantaneous and involuntary. It is said, to be sure, that she had been desired, by one of the officers, to follow the man whenever she saw him; and she wishes it to be believed, that she acted throughout in obedience to that direction; if, however, she could so far maintain her self-possession at the moment, as to remember and determine to follow the instructions given her, surely there would have been some limit to her courage and her perseverance, especially when she finds he is leading her from her home through intricate turnings, over fields, bridges, &c.; but this woman, for any thing that appears to the contrary, was so bent on her object, that had the man continued walking all the night, and no interruption been offered, she would have coolly and deliberately followed him. I confess myself unable to give credit to this part of her story; I do not believe that any female would have acted as she describes herself to have done, whatever instructions she might have received; for, if she had obeyed them to the extent of following and watching the man through the public streets, where she would be protected by the inhabitants, as well as passengers, she would certainly have forbore to place herself in the power of a thief, by going after him into fields and retired situations; and the more especially so, if she had previously received an anonymous letter, as I have recently been told was the case, threatening her with destruction if she attempted to point out any one as the thief.

In order to support this part of the case against Harris,

it is necessary to assume the following extraordinary premises :—that Harris and his companions knew that the prosecutrix would be able to recognize the thief ; that they knew she was at Shoreditch Church ; that they then knew she had received directions from the officers to follow the thief wherever she should see him ; and, with a spirit of divination, they must have known her determination implicitly to obey those directions, so that the thief might, without danger, place himself before her, in the midst of a throng, and entice her, with the greatest ease and facility, to any place, and to any distance he pleased.

If there be any person so prejudiced against Harris, as to presume and believe all this, I entertain very slender expectation of convincing him of the man's innocence ; but I shall still afford him many other opportunities for exercising his credulity, even to a much greater extent, if he will condescend to proceed with me throughout the investigation.

I now come to what passed in the London Field ; and here, as in every other part of the prosecutrix's story, there appears something magical. The prisoner, Harris, without having been previously seen, comes behind her, takes her by the arm, and asks if she knew him, which she denies from fear ; and then another man appears, and also seizes her. Where Harris and his companion spring from is left in mystery ; and why the former should have beckoned to the latter to come up, *after* the answer she had given, seems unaccountable. If she had admitted knowing Harris, there might have been some semblance of reason for his wishing to get rid of her ; but none, whatever, when she denied all knowledge of him. What motive or end could he have to answer in effecting her destruction ? If he had even been concerned in the original felony,

he was perfectly safe, for she had seen, and not identified him. He, therefore, could have no cause for resentment nor ill will against the woman, nor reason to fear her testimony.

It appears to me very improbable, that the plan of the thieves should have been so ill arranged, as to render it necessary for one to direct the other what he was to do, after they had commenced their operations on their intended victim; yet we find, according to the prosecutrix's statement, that Harris has not only to tell his companion to put his hand over her mouth, but to state the reason why it was to be done; namely, "*that she should not halloo.*" These are expressions not likely to be used by thieves, and would have been quite unnecessary, because had Harris told his companion to put his hand over her mouth, the object must have been apparent. There seems, however, to have been no necessity for such a proceeding, as she never attempted to call out, or make the least alarm; and she afterwards gives these, which appear to me absurd, reasons for the omission: first, because she was so alarmed; next, that the prisoner beckoned to the other man, who instantly came up, and she had not time to cry out; and thirdly, that she had not presence of mind to call out, she was so alarmed. Now, I have always found, that females, when alarmed, call out involuntarily, instead of being rendered perfectly dumb and mute. As to her not having time, if the prisoner had to beckon for his companion, he must have been at some distance; and, surely, while the prisoner was beckoning, and the other coming up, she might, and would have screamed, especially as she was then close to many houses. And as to her not having presence of mind, my opinion is, that instinct alone would have prompted the greatest exertion both of the body and the voice, to resist such

an evident attack on her life; but if reflection were necessary, she, according to her own account was capable of exercising it, because she affects to remember, most minutely, the whole conversation that passed between the robbers: and in the course of her cross-examination, she says, "I did not lose my senses at all."

Although it appears that the prosecutrix went very quietly, before, and after the hand was put over her mouth, yet the men, according to her account, were not satisfied, but the prisoner crams hay into her mouth, and says to his companion, "Now hold your hand over this." No account, however, is given as to where the hay came from; which, by-the-by, is a curious article to have been provided for such a purpose; nor does she assign any reason why she did not avail herself of the opportunity, which she must have had, to cry out for help, while the man's hand was taken from her mouth to admit the hay; neither is it pretended that she made the slightest resistance to the hay being crammed into her mouth: in fact, I do not think it possible, that so long as she remained upon her legs, any thing could have been forced into her mouth against her will; because, while in an upright position, she could, by the least exertion, in writhing the body, stooping down, moving the head, &c., and keeping the teeth clenched, effectually prevent any man who had but one hand at liberty, the other being employed in holding her, from inserting any thing into her mouth; and, as it is highly improbable she would voluntarily have opened it, to receive the hay, I cannot bring my mind to believe this part of her relation. I shall hereafter advance further arguments to justify my scepticism on this point.

The seizing the prosecutrix, and cramming the hay into her mouth, she represents as having occurred immediately on her entering the field; at which time, she

says, she saw the man whom she was following going down the path of the field ; but when he saw the other two holding her, he crossed over, and said, " Oh, d—n her, make her take off her pattens, that she may go on faster." She accordingly put them off with her feet, and left them there. As she and her assailants were following in the same path, I cannot understand from where the man was to cross over: if he had stopped in the way until they came up, it would have been intelligible; but this, perhaps, is too trifling a point to waste an argument upon, when there are so many material and conclusive facts to be exposed. It would appear, from her evidence, that the seizing, the cramming her mouth with hay, and the taking off her pattens, had happened in quick succession, and, consequently, within a short space from the entrance into the London-field: and the reader will, therefore, no doubt, be surprised to learn, that the pattens were found the same evening, directly after this woman came from the pond, at a distance of *four hundred and sixty yards* from where she says she was first attacked, perfectly clean and dry, and so regularly placed beside each other, that it was evident they must have put down from some one's hand; and that the spot where they were so found was close in front of London Terrace, in which there are five houses within eight or ten yards of the foot-path, along which, she says, the men forced her. Now, had she been hurried and compelled to go such a distance, against her will, it is extraordinary that her pattens should have remained on her feet; but, supposing them to have been so securely fastened as not to fall off, yet, as it had been a wet forenoon, would not the pattens have become wet and muddy?—and must not the rings have been filled, or nearly so, with dirt? But, above all, in the state of agitation in which she must have been,

and dragged along by a man on each side, could she, without stooping, have disengaged her feet from the pattens, so as to have left them in the state I have above described? But why, I would ask, did *she* take off her pattens? If her account be true, she knew herself to be in the hands of notorious thieves, and, from the threat she had received, could have no doubt they intended to murder her. Instead, therefore, of facilitating their object, would she not, to preserve her life, have retarded them as much as possible? She, however, is too condescending to offer the least obstacle; and no sooner does the principal man desire his companions to make her take off her pattens, than she saves them the trouble of even soliciting her on the subject, and instantly, of her own accord, takes them off, in order that she may more quickly arrive at the place of destruction.

I shall, however, now mention one fact regarding these pattens, which completely refutes and falsifies all her statements respecting them: it is this—that so far from mentioning a word about her having taken off her pattens *in the field*, she represented that they were *in the pond*; and the officers, on Tuesday morning, went there, and pumped all the water out, expecting to find them, when Mr. Wood, who lives in the neighbourhood, and who had found the pattens on the Sunday evening, happening to hear what the officers were about, communicated to them that he had found a pair of pattens, and pointed out the spot where he had picked them up. The pattens were consequently produced, and the prosecutrix not only identified them, but, directly, adapted her story to correspond with their being at the particular place where they were found, by stating, for the first time, that the robbers had made her pull them off. Had this most important fact been made known at the trial, I think the veracity

of the prosecutrix would have been so much questioned, that no Jury would, on her testimony, have found a fellow-creature guilty of an offence which affected his life. One of the officers, I observe, in the course of his evidence, slightly mentioned that they went on Tuesday "*to the pond, expecting to find the pattens,*" but Wood produced them ;" and another says, "I went on Tuesday *to the pond,* and received a patten from Wood ;" but neither of them mentioned a syllable of their having been informed that the pattens were in the pond, nor of their having, in the company of the prosecutrix, caused the pond to be pumped dry to find them; and it was not until some time after the prisoner's conviction, that I was informed such an occurrence had taken place.

From the statement of the prosecutrix, "that, on getting at the end of the field, they took her down a lane with a hedge on each side, leading to a pond," I was led to believe that she had been taken down some lonely, retired lane; but, what was my surprise, when, on going to the spot, I discovered that the pretended lane is a continuation of the public path, and is, indeed, if possible, even more public than that along which she had been brought, because the several paths that intersect the London-field all converge and lead into this focus, or narrow defile, which is about sixty yards long, at the end of which is the pond in question, and at that point the path again branches off in various directions.

While proceeding down what she calls the lane, she says, the man she had originally followed, again urged his companions to *drag her down faster* ; but, as they had, according to her account, "*walked her along as fast as they could,*" such a request was perfectly unnecessary. At the pond, she says, the prisoner took

her umbrella from her hand, and her shawl off: he then pulled a rope from his pocket, about a yard and a half long, and said "he would hang her, and then she could not swear against them." Can this account be credited? Can any one believe that she could have been forced a distance of nearly half a mile, with her mouth stuffed with hay, and a hand held over it, and yet retained her umbrella to the last? I should have thought that a woman, attacked by ruffians, who she knew were hurrying her to destruction, would have resisted to the utmost of her power; that she would have made a desperate struggle to preserve life; and, if her fears had not dictated this resistance, nature would have impelled it. Every thing that has life instinctively makes the strongest efforts to resist the torture of suffocation, or any thing approaching to it: would not, therefore, both her hands have been used, to disengage the hand of the man, and release the hay from her mouth? and, it will be recollected that she does not pretend that her hands were confined; but, instead of using her umbrella as a weapon against her assailants, or throwing it down and forcing the man's hand from her mouth, which she might have done with the least exertion, and which, I insist, she could not have avoided doing, if she had been treated as she describes, we find that her hands are never once uplifted; and that, on arriving at the pond, her umbrella is still in her possession; so that it would seem as if she had been more careful in preserving that trumpery article than her own life.

The account respecting the rope is to me inexplicable. If a rope had been taken for the purpose of strangling her, surely it would have been prepared with a noose ready for the occasion; instead of which, here is a short piece of rope produced from the prisoner's pocket,

only to terrify the woman, and excite her to resistance; for it is not pretended that any thing was done with it; and, besides, the prisoner is most absurdly and unnecessarily made to tell his companions that he has brought it for the purpose of hanging her, and adds, that, which they could not want to be told, namely, if she was hung, she could not then give evidence against them. The rope, however, is not attempted to be put round her neck; and we have no reason assigned why the idea of destroying her with the rope was abandoned; but, if I may be permitted to descend to ridicule on such a subject, I should say, that the thieves could have no hope of strangling a woman, who possessed such a supernatural respiration, as not to be affected by what would have suffocated and destroyed any other human being.

She next says, that the prisoner, by the desire of his companion, searched her pockets, pulled out her purse, which he put into his *left hand* waistcoat-pocket, and said, "they cannot swear to money." I have very frequently observed, that persons, in making up a false tale, often describe an immaterial circumstance with particular minuteness, thinking, no doubt, that, in so doing, they give a colour to the correctness of their observation, and the truth of their story. Whether this observation ought to be applied to the prosecutrix, in the present instance, the good sense and discrimination of the reader will determine.—I shall merely remark, that it appears to me very extraordinary, that the prosecutrix, who, if her account be true, was expecting every moment to be her last, and was, as she says, in a subsequent part of her examination, so alarmed at the threat of hanging, *that she thought she should have died*, is yet able to notice, not only what is done with her purse, but to describe even into which

particular pocket the prisoner puts it, and to remember also the words used by him on the occasion; and which, I think, must appear, like all the other expressions attributed to the offenders, to be perfectly unnecessary, improbable, and, in this instance, absurd; because, how could he tell that the purse contained money? Its contents might be pocket-pieces, or copper and other coin that was capable of identification; besides, if it was supposed to be money that could not be recognized, still the *purse* might be spoken to; and we have no description given of the purse, nor any account as to what became of it.

If it should be pretended by the prosecutrix, that she had no opportunity to use her hands, or get them to her mouth, while she was held on each side by the prisoner and his companion, she cannot urge the same excuse when at the pond: there, while the prisoner was taking her umbrella, her shawl, and drawing the rope from his pocket, she must have had one arm at full liberty, and if incumbered with all these articles, it must have been difficult, even had she remained perfectly quiet and submissive, for him to have searched her; and if she had made the resistance which modesty dictated, he could not have made the search; at all events, she must at this time have had an opportunity of pulling the hay from her mouth, and making an alarm, if she had chosen; and an additional facility was directly afterwards afforded, when she was lifted from the ground to be thrown into the pond, because then both her arms were disengaged. She, however, does not, according to her own account, attempt to take the hay from her mouth until she is in the pond; and, as the water was pumped out to look for the pawns, I am a little surprised that the hay was not found. It will, however, be recollected, that many people were

present at the emptying of the pond, besides those engaged in the prosecution.

Had one man held the prosecutrix by the legs, and Harris held her by the shoulders, and thus lifted her up and thrown her over the rails, she might, by the slightest resistance, have prevented them from affecting their object; and, as both her hands were at liberty, she could have seized either of them, or the rails, and, by struggling and kicking, have disengaged herself. Harris, it will be recollected, was a very short man, and had she been perfectly dormant and passive, could hardly have lifted her so high as the rails; but, had she resisted, it would have been impossible.

The prosecutrix says, that on being thrown over the rails, she rolled down into the pond: this implies what was then actually the case, namely—that the water did not come up to the rails over which she was thrown, and that she had to roll some distance before she got into the pond. But it would at the same time be supposed, that she must have fallen on sloping ground, so as not to be able to resist rolling into the pond: whereas the earth whereon (according to her account) she must have fallen, is flat, or nearly so, and the descent, if any, is so gradual, for several feet, as to be scarcely perceptible; she could not, therefore, have got to the water (it being at that time several feet from the rails) without exerting herself, and, voluntarily, rolling over two or three times: which can only be accounted for by her desire to escape from the murderers. But, even then, she would, as soon as possible, have got on her feet, as the readiest and most expeditious mode of getting away, especially as there was now nothing to impede her; because the pond was not inclosed nor even fenced in, except on that side where the men were, and which, of course, rendered her more secure from

their pursuit. Besides, by stepping two or three yards, either to the right or to the left, she might altogether have avoided going into the pond. And I venture positively to assert, *that it was impossible for any man, however tall, and however strong, to have thrown a woman, like the prosecutrix, who is 27 years of age, from the path into the pond; and that, if she was in the pond at all, she must have gone in voluntarily. And I assert, with equal confidence, that she could not, at that time, nor can she, even now, notwithstanding the heavy rains and wet season that have since increased the depth of the pond; place herself in any part of it, so as to be up to her head, without purposely laying herself in a sitting or horizontal position. She swears that there was a great deal of water in the pond. But a respectable gentleman, who lives on the spot, plumbed the depth, in every part, shortly after the prisoner was convicted, and when the water was higher than at the time of the supposed assault, and the deepest part he could find was two feet two inches. I also, on Sunday, the 6th of March, got a boy, whom I accidentally met there, to go across the pond in different directions, and, although the water was of course much increased by the then recent heavy rains, in no part could he find the water to come above his lower ribs, which, on a measurement, I found was three feet two inches.*

By this examination I discovered, that the deepest part of the pond was at least five yards from the rails; and the boy had to go about two yards into the pond before he got up to his knees; and as the water was much shallower when the prosecutrix says she was thrown in, I cannot conceive how she or her partizans can make it appear that "every part of her, except her head, was in the pond."

Attempts may perhaps be made, to reconcile her story, by saying, that she laid down in the pond, and rather submitted to bury herself under water, than subject herself to be again under the hands of the ruffians: but I shall hereafter adduce arguments which I consider conclusive, to prove that she did not roll into the pond, and that she could not have been in a horizontal position.

The testimony of the prosecutrix on the trial was, I think, purposely vague on this point; for she does not at all describe whether she was standing, sitting, or lying, at the time, the water was up to her head: being thus left entirely to conjecture, I may, I think, be permitted to resort to a report which was given of her statement at the first examination, to elucidate this part of the subject; and I do this the more readily, because it was written; as I have ascertained, by a reporter of respectability and of veracity, who obtained his statement of facts from the officers engaged in the investigation, and which facts were so communicated to him, by the officers, on Monday, the 4th of October, *directly after the woman had made her statement against the prisoner*; and this gentleman, on his report appearing the next day, in the *Morning Chronicle*, was complimented, by the clerks and the officers, for the accuracy with which he had detailed all the facts. The report alluded to, after giving, in some respects, a different account of the attack and robbery, from that which the prosecutrix gave on the trial, says, "After which, they threw her over the hedge, into a pond. *By getting hold of some railing, by which the pond is partially fenced in, she contrived to support herself, though standing up to her neck in the water.*" No one, I think, can doubt, considering the source from whence this statement emanated, but

that it accorded with the evidence given by the prosecutrix, at the first examination? and if so, what justification can be offered for those who permitted her, afterwards, to give a totally different statement?—If this evidence was reduced to writing, on the 4th of October, I can well account for its being suppressed by those who were interested in upholding the conviction. This evidence, it will be observed, was given, and the report published, before the officers and the prosecutrix went to the pond to search for the pattens. And the officers, besides detecting her mis-statement as to the pattens, must have been perfectly astonished at finding that, so far from her standing, and by *holding the rails*, supporting herself up to the neck in water, she could not, while within reach of them, have got wet up to the ancles. How she contrived to reconcile her story to satisfy them, I am at a loss to conjecture, especially as she is represented to be a woman of very weak capacity; but, as the old proverb says, “none are so blind as those who will *not* see.”

She represents that one said to the other—“D—n her, poke her *down under* the water;” and the prisoner replied, “Oh! she won’t *rise* any more.” The first observation would be perfectly ridiculous, if she had already sunk from their view; we must, therefore, presume, if such a desire was expressed, that she was evidently above water; and, as the extreme end of the pond is not more than eight or ten yards from the rails, her head, if that alone was above the surface, must have been conspicuously visible, with the white bonnet on. Yet Harris is made to say, “Oh! she won’t rise any more;” intimating, of course, that she had disappeared, and was then drowned. Such an account as this, coupled with her former story, of

supporting herself, by holding the rails, would have been absurdly false; because the rails immediately separate the path from the pond, and she must have been standing close before the men, on *dry ground*, when they were conversing about her being actually under the water.

After having finished her tale in her own way, the prosecutrix is asked, whether the man, whom she had followed, had said any thing? and she answers, "He came up to me, and gave me a blow in the breast, and I fell back against the rails of the pond." If it were true, that the blow made her fall back against the rails, it is quite clear that she could not, at that time, at least, be very tightly held by the other two men: his, however, is the only blow she, on the trial, described herself to have received; but, according to her statement, on the first examination, she had been very much beaten. The *Chronicle* report, before alluded to, immediately after describing the taking of her purse, says, "They then threw her down, and beat her, with great violence, for some time." The reason for this variance is very evident, when it is known, that, on Tuesday, the 5th, she was asked where she was most hurt, and if her body was bruised?—to which she answered, that her breast had been black and blue, but the bruise had disappeared. The story, therefore, of her having been *violently beaten*, without having a single mark to exhibit, was too miraculous to obtain credit; and it was therefore abandoned, or, at least, dwindled down into a single blow: and it is a little extraordinary, that if any discoloration had been the consequence, it should have entirely disappeared on the second day after the injury.

The prosecutrix represents, that the original thief led the way across the field, and that Harris and the

other man forced her to follow him; and from her testimony, on the trial, and at the examination, it would be supposed, that, on arriving at the pond, all three were present throughout. I find, however, that she has since stated, "that while Harris and one of his companions were with her, at the pond, *making a knot in the rope*, the man, who had been the object of her pursuit from Shoreditch Church, stood on a bank behind a hedge, *but not hid from her view*; and that he came down from that situation, while they were preparing the rope, and struck her upon her breast, saying, "You b——y bitch, I will teach you to hold the dog, while I am coming down stairs, in order that you may watch my countenance, and recognize me again."

If the third man had been on the bank in the London-field, it is extraordinary that she should not have mentioned his remaining behind, at that spot; and it is likewise remarkable, when giving her evidence, she should not have described that he came down the lane to give her this blow; whereas, from her mode of expression, "*he came up to me*," it would be supposed, that he was close to her all the time, instead of being at the distance of sixty yards, at the least. Unfortunately, however, for her veracity, no person at the top of the avenue, in London-field, can be seen from the pond; which fact, of itself, palpably refutes this absurd part of her tale. It may, however, be remarked, that if the men were employing *their hands* in making the knot in the rope, they could not be *holding her*; there was nothing, therefore, to prevent her from getting rid of the hay, and calling out for assistance; and as she must have felt convinced that her immediate death was resolved upon, she would surely have made a desperate effort to escape altogether from her murderers; but, with an unaccountable and unnatural apathy and indif-

ference, she submits to be destroyed, without offering the slightest resistance, and even without a struggle.

It is very improbable that the thief should give a reason for illusing her; that he should have known she could recognize him; and that he should intuitively know that she had made a pretence of holding the dog, in order to watch his countenance; and the words, with the exception of the approbrious terms, are not such as would be used by a thief. Besides, if mischief was intended, it would have been secretly and suddenly attempted and executed, so as to avoid resistance, and thereby the danger of discovery; but, if the prosecutrix is to be believed, no means are left untried to excite terror in her mind, and urge her to resist, and make an alarm: and a most unnecessary preparation and parade is adopted by the thieves to court observation, and attract attention to their murderous designs: and this, too, in one of the most public thoroughfares in the neighbourhood of the metropolis, as I shall hereafter show.

If, however, the conduct and conversations said to have occurred previous to the prosecutrix being thrown into the pond, appear to be highly improbable, what she represents to have passed afterwards, will, I think, not be less so. They stand on the public pathway, close to the pond in which she is, discussing the quality of the shawl. One asks, "If it is all silk;" another said, "It was all silk; it was made with hard silk;" and then they are all at once very cautious, and say, "They will not have anything that belongs to her, because there may be a mark on it, which may be sworn to." And then the prisoner (for, although her head only is out of the water, she not only *hears* all that passes, but *sees* by which of them an act is done) comes to the edge of the rails, and throws both un-

rella and shawl into the pond. Now, if the men were afraid of the articles being identified, it is not very likely they would have given themselves the trouble to take them from her; and, having them in their possession, the ordinary course would have been, to take them to their lodgings, to have examined, and removed any mark that might have been upon them, and then have disposed of them. But these men were running the greatest risk of detection, while they are supposed to be taking precautions for their safety; because, from the great publicity of the situation where they were idly and unnecessarily gossiping, they had a right to expect to be interrupted momentarily; and they could not tell but that their actions were seen by hundreds, for there are at least SIXTY HOUSES in view of this pond, twenty looking directly upon it, besides a public road, and several paths leading direct to it; and yet the shawl and the umbrella are to be thrown into the air, or, at least, over the rail, into the pond—an act, which would, of course, attract the observation, the suspicion, and, necessarily, the inquiry, of any person who might chance to see it.

The prosecutrix does not mention a word, as to how she regained her shawl and umbrella, after they were thrown into the pond; the shawl, to be sure, might have floated; but the umbrella, I should think, would have sunk; and, if so, it must have been next to impossible, and, at all events, extremely difficult, for her to have found, and got it again; and, certainly, it must appear extraordinary, that a woman, who had been so dreadfully used, and so near destruction, should, *in two minutes* after, by her own account, be not only out of the pond, but in possession of the shawl and umbrella, which had been thrown in after her.

I have made particular inquiries of Mr. Rogers, the landlord of the Cat and Shoulder of Mutton, and several persons, who saw her while there; and I have not learn from any one, that the umbrella was wet; and, although some say that the shawl did not appear to them to be wet, others assert that it certainly was so, although not one can say that it was wet all over, as if it had been immersed in water.

Soon after she arrived at the Cat and Shoulder of Mutton, a man, named Jones, seeing her without cloak or shawl, asked if she had been robbed of either of those articles. She answered, "No;" and then held up her shawl, but did not say a word about its having been thrown into the pond; nor did Jones observe that it was wet.

As the prosecutrix was certainly in the little pool, or puddle, which she calls a pond, some part of her shawl would necessarily be wet; but I do not believe that either her shawl or her umbrella was ever actually in the pond, or out of her own possession: and, to confirm my opinion that they were never in the pond, I shall revert to the following passage in the report inserted in the *Morning Chronicle*; which, as I before mentioned, was praised for the accuracy with which it detailed the prosecutrix's narrative:—"Shortly after they were gone, the young woman crawled out of the pond, and taking her shawl and umbrella, WHICH THEY HAD THROWN DOWN IN THE FIELD, proceeded to the nearest public house."

However preposterous the conversation already observed upon may appear, what follows is still more unlikely to have passed. One asks, "how much he had?" The reply is, "17s. 6d." The prisoner, therefore, must have taken the purse from his *left-hand* waistcoat pocket, and stood at the spot to count the

money—a dangerous, and certainly unnecessary act; and then they said, “*Now she is gone, we will go to the White Horse, at Hackney, and REGALE ourselves.*” So, then, the thieves are to take it for granted, that she was dead: they were to suppose, that she was only to be thrown into this little puddle, and like an ingot of lead, she was to sink to the bottom, and rise no more. They must have been very much astomished, that a woman, who had borne so well what would have suffocated twenty other people, should be so easily drowned, and die in the water, without making a single struggle or a splash. Besides, they were to take it for granted, that she was at the bottom; and not one of them was to give himself the trouble to cast his eyes five yards before him, to see if she had disappeared; but they were to enter into a conversation as to where they intended going, regardless of whether she heard them, or no; and, of course, if she did hear them, it afforded the opportunity of giving immediate notice where they were to be apprehended, and brought to justice.

It should be known, that the White Horse is not more than three or four hundred yards from the pond, and that, going from thence to Hackney, it is the first public-house. Now, if these men considered that they had committed a murder, which they must know could not long remain undiscovered—and, by-the-by, the throwing in the shawl was likely to accelerate such discovery—this public house would have been the last to which they would have resorted, because it is much frequented; and, as Harris is represented by the officers as a well-known character, he was very likely to be recognized: and he and his companions must have been well aware of the hazard they ran of detection, in being proved so near to the spot, at the precise time

the offence was committed. The language, also, is not that of common thieves;—I much question, if Harris knew the meaning of the word *regale*; much less would he have used it, in ordinary conversation, with his companions.

The reader will observe, that, on her cross-examination, the prosecutrix acknowledged having said, “that if persons had passed, they might have supposed she was walking arm in arm with the men.” But she expressed herself much stronger at the police office, as I have before mentioned, by asserting “that strangers might suppose she was walking arm in arm, *in a friendly manner.*” Is it possible, then, for any one to be so credulous as to believe that she could, to ordinary observers, have appeared as walking in a friendly manner, when the men were stopping her mouth, and forcing her, against her will, to a convenient place, to destroy her? Will not the reader rather believe that, which I think will ultimately turn out to be the fact, namely, that she was walking in a friendly manner with two men, whom she well knows, but whom it is not convenient or safe for her to name, but who will, I hope, hereafter, be discovered.

It is worthy of particular notice, that the prosecutrix, when speaking of the rails, says, “*I could have got under them.*” These expressions convey to my mind a strong belief that she did actually *get under them.* And I will venture to state, that not one in a hundred persons, who know the pond well, and are also acquainted with the height of the lower rails, could be able at once to state that an adult could get under them; but any one who had crouched beneath them, and thus got from the path into the pond, could have answered with the same facility and certainty as the prosecutrix.

If the prosecutrix had been thrown over the rails, in the way she describes—unless the laws of gravity were reversed in this case, as well as those of reason and rationality—her head and body must have come first to the ground; and, if she was not invulnerable, she would have had some severe bruises from the fall; nothing of the sort, however, is pretended. It may be said, that, by falling on the mud, she avoided injury; if so, still, as she says she rolled *into* the pond, would not every part of her body have been covered with mud, and her bonnet, which was of white straw, broken and destroyed? But so far from this being the case, no mud was on any part of her dress: her shoulders were not wet, and her bonnet remained on her head, apparently uninjured and undisturbed. It is true she produced her bonnet at the trial, and said it had been wetted, at each end, and it did appear slightly discolored at one edge, but not more than would have arisen from perspiration, and certainly nothing like having been soiled with mud or earth.

It is worthy of remark, that, notwithstanding all the pains and ingenuity manifested to get up this case, and confirm the prosecutrix, not a single article of the dress worn by the prosecutrix on the night in question, with the exception of the bonnet, was either produced at the office, or on the trial, nor was any witness brought forward to prove their having been washed; it is not, therefore, unfair to presume, that the production would not have answered the purpose of the prosecutrix. She was with the officers before she had changed her dress; and, had any part been soiled, or injured, they would, no doubt, as it was their duty, have taken care to preserve them in the same state, and produced them on the trial, to have confirmed her story. I have questioned several people who saw her

directly after she entered the Cat and Shoulder of Mutton, and also Bradshaw and Field, who assisted her over the rails; and not one can say, that any part of her dress was muddy, except her shoes and stockings; but they all unequivocally declare, that her shoulders, and upper part of her body, were perfectly dry, and her cloaths undisturbed. I have also seen the waterman who attends the coaches at Hackney, and who accompanied her to Worship-street: and he says, that he saw no appearance of wet, or mud, about her dress, and that, he thinks she could not be either wet, or dirty, because he and the coachman, after she got out, examined the inside of the coach, to see if it was soiled: and there was no appearance, either on the seat, the back of the coach, or on the carpet at the bottom, of wet, or dirt. I understand that Garton took the number of the coach; and, if the coachman's testimony could have aided the prosecution, doubtless he would have been brought forward. This waterman adds, that the prosecutrix appeared in good spirits, both when she got in, and out of the coach; and that after she had told Mr. Garton her story, of having been thrown into a pond, without alluding to any person as the offender, or saying a word of knowing the man, Garton declared, "He would not mind giving fifty pounds, out of his own pocket, to find out who had done the job." If her subsequent evidence was correct, it is a little extraordinary, that she did not at once say, "Why, the persons concerned in thus ill-using me, were the thief I saw in my master's passage, and a man whom the officers pointed out, and called Kiddy."

It appears to me a little remarkable, that, as she was very near to Mr. Hale's residence, at Homerton, she did not prefer going there, in the first instance, instead of Worship-street; and especially as several people

at the public-house, and also the coachman and the waterman, strongly persuaded her to do so; but she could not be prevailed on to follow their advice. There was this strong reason for her going to Mr. Hale's, in preference to Garton's, because assistance might the more readily be procured to go in search of the offenders; but, if her account be true, no great search was necessary, because the thieves had mentioned, in her hearing, where they were going to spend the money, and *regale* themselves: she ought, therefore, to have been anxious to get to Mr. Hale's, that he might send and apprehend them, before they should take their departure from the White Horse.

Is it not extraordinary, if she had really heard the men say where they were going to, that she should not have mentioned this fact, the moment she got to a place of safety? especially, as she was very much questioned, not only by Bradshaw and Field, but also by many people in the public-house, as to who it was that had illuded her, and the possibility of finding them out? Now, the natural answer to these inquiries would have been, to have described their dress and persons, and said, "The men are now at the White Horse, and, if you go there, you can take them." So far, however, from adopting this straight-forward conduct, she appeared extremely reluctant to answer any question: and I can only learn that, in answer to a question put to her by a man, named Jones, she said, "The *man*, who threw me in, was very like you."

Several Gentlemen of experience in the Police, and knowledge of the world, on reading the account given by the prosecutrix, and observing the expressions she attributes to the thieves, at once disbelieved her story; others, whom curiosity excited to visit the spot, have exclaimed with astonishment, "Surely this cannot be

the place, where Sarah Drew was ill-treated !—this cannot be the pond, into which, she says, she was thrown !” And, if they doubted before, or were even prejudiced against the accused, all, whom I have seen and conversed with, came away fully satisfied of his innocence. Some Gentlemen, who lived near the spot, were so perfectly convinced of the improbability of the story, and the innocence of the accused, that they, spontaneously, instituted an inquiry, and joined their exertions, with those of other humane individuals, to save Harris’s life. It is but right, however, that I should state, that one gentleman, who entered into the investigation, on examining the prosecutrix, and hearing her repetition of the story, became satisfied of its general correctness, and declined pursuing the inquiry ; but this gentleman, nevertheless, very kindly furnished me with the important fact I have before mentioned, namely, that the prosecutrix had described to him, that she saw one of the men standing on a bank, behind a hedge, while Harris and his companion were with her, *preparing a knot in the rope* ; that he had subsequently visited the pond, and did not think a person, so placed, could be seen from the rails. I regret, exceedingly, that this gentleman did not persevere in his inquiries ; because, his seceding discouraged and weakened the effect of all the subsequent efforts made on the unfortunate man’s behalf, and was a source of great triumph to those who were arrayed against him. His secession was urged as an answer to all objections ; and it was said, “ How can any one doubt the truth of Sarah Drew’s story, when a most intelligent gentleman, who commenced an inquiry, with a prejudice against her, has examined her himself, and become converted, so as to have no doubt on his mind of Harris’s guilt ?” But I still more regret this gentleman’s retiring so early

from the investigation he had engaged in, because, I think, that, had he pursued the inquiry a little further, his original suspicions and impressions would have been strengthened and confirmed, instead of weakened, or partially removed; for, even when he withdrew from the task, he could not, or, at least, ought not, to have been satisfied with the woman's veracity: for, in this gentleman's communication, addressed to me, some time after his secession, he says, "These particulars I willingly detail, though, after weighing all the circumstances of the story, *and difficulties, I freely admit, there are in it.* I CANNOT RECONCILE, I am of opinion that the woman is substantially correct in her testimony. Whether she be also correct in the identity of Harris, is quite another question, and upon this I give no opinion."

To those who are unacquainted with the spot where the outrage is supposed to have taken place, and who may not have an opportunity of visiting it, I shall give as accurate a description as I am able, in order to assist their judgment, in deciding on the probability of the tale. The London-field is a great thoroughfare for foot-passengers; because persons, who have occasion to walk to and from Shoreditch and Hackney, can shorten the distance considerably, by going across it. It has also a direct path leading to and from the Hackney-road, to Dalston, Kingsland, and Shacklewell; and there are also three or four other paths, from different avenues round the field, crossing it diagonally, and all meeting at one point, at the furthest corner of the field, from the Cat and Shoulder of Mutton, where it becomes one path, which continues down an avenue of about sixty yards long, having a hedge on each side. The bottom of this avenue opens into a twenty-acre field; and the pond, as it is called, is close on the

right hand, fenced from the path by two rails attached to posts, the upper rail being about three feet from the ground. At this spot, the path branches off in various directions; one turning short to the left, skirting the east side of the field; the second, crossing to the opposite angle;* the original path continues past the side of the pond, towards Dalston; and, a little beyond the pond, is another branch path, leading to Hackney; and, besides all these paths, there is one which bounds the western side of the twenty-acre field, that is much frequented, it being a short cut from Ball's Pond and Kingsland, to Hackney; and, all along the southern side of the field, is a *public road*, from which every person passing may see the pond.

On a Sunday afternoon, these fields are thronged with people, passing in all directions, and boys amusing themselves; and, in the evening particularly, the paths are crowded with people, returning from their afternoon's walk, or recreation, the rural public houses in the neighbourhood of Hackney, Dalston, Kingsland, &c., being much resorted to by the population of Spitalfields; and, besides the great publicity, arising from the casual passengers, a person standing at the pond may look round, and count not less than sixty houses, several of them within 400 yards, and looking directly upon it.

At the entrance of London-field, by the Cat and Shoulder of Mutton, the houses to the right and left form nearly two-thirds of a circle; so that persons, on the spot where the prosecutrix says she was seized, might be seen from not less than forty houses, and the farthest within 100 yards. As they proceeded towards

* A poor man generally stands to open the gate at the end of this path, who told me, that, on Sunday Evening, at least one hundred people passed in an hour through that gate.

the pond, they would be in view of several other houses; and when passing London-terrace, they were not more than eight or ten yards from the fronts of five occupied houses; and it will be an important circumstance to notice, that it was close to these houses, and a little way inwards from the path, that the pattens, belonging to the prosecutrix, were found by Mr. Wood.

The prosecutrix says, that when she had entered the London-field, about seven yards, she was first seized by Harris and his companions, and the hay directly after put into her mouth. The thieves must, therefore, have been so imprudent, as to lay hold of her where two paths join, one of them the great thoroughfare from Hackney,—at a spot nearly surrounded by houses,—so near to them, that every body at the windows had an opportunity of seeing what passed—and where the slightest alarm made by the prosecutrix would have instantly brought numbers from those houses to her assistance, even supposing there had been no person in the field. They are also so fool-hardy, as to force her along the path of this public, open field, a distance of near half a mile; and almost at the end of their journey, they, to make her stop, take off her pattens; and this, too, at a place where there were five houses within a few yards. On arriving at the pond, they have likewise the temerity to stand in the public, exposed path, needlessly wasting time, in preparing a rope, which is not used; and in idle gossip, as to the object of their proceedings—the quality of her shawl, which, after all, they did not take, respecting her never rising again, although, had they used their eye-sight, they must know she was not under the water; and as to the amount of the money taken, and where they should go to spend it? And this is not all; but they toss over the shawl and the umbrella into the pond. Now, all this must have taken

up a considerable portion of time ; and, supposing there was no person in their view, they could not be secure, one moment before another, from interruption ; because people coming from the London-field, are not in sight to any one at the pond, until they come close upon them, at the bottom of the avenue ; and, persons coming from the Red Cow, at Dalston, or from the lower parts of Hackney, might have pounced upon them unobserved, by coming along a public path, and entering the twenty-acre field a few yards from the pond.

I can hardly think that any one, possessing the least knowledge of human actions, can believe, that three men could have conducted themselves, in the manner the prosecutrix describes her assailants to have done : and I am quite sure that every person acquainted with the cautious and cunning ingenuity, uniformly displayed by regular thieves, to avoid detection, will at once reject the whole story as incredible and ridiculous. When, however, I shall prove that there were many persons in these public paths, who passed the pond, near, if not at, the very time she says she was ill-used, none of whom saw or heard any thing to justify the slightest suspicion that such an occurrence was taking place, and who must, from their situation, have seen her and the men, if she had been attacked and treated as she states, I consider that the most credulous will yield to conviction.

I cannot believe, that any woman who had been recently threatened with murder, would, when seized by those from whom the threat came, allow herself to be led or dragged away without calling out as loudly as she could, and using the greatest possible resistance ; but this prosecutrix does not seem, from her own account, to have exerted herself to get away from them. The following sentence is all she says on the subject

of resistance:—" I pulled my arms to get from them, but they held me so fast I could not." I have often seen an obstinate woman, for some time, resist the efforts of several watchmen to remove her, by throwing herself on the ground, and struggling against them, and they could not effect their object without bruising her body, and tearing her clothes. Those who are in the habit of attending Police Offices, must also, frequently have seen women, brought before the Justices for disorderly conduct, whose clothes are in tatters, and their persons bruised from the resistance they have made to the officers taking them into custody; and was this woman likely to have made less efforts and struggles to preserve life, than the poor creatures to whom I have alluded, are in the habit of doing to save themselves from a trifling punishment? She, however, has not a bruise or a scratch; her bonnet is not the least disturbed; nor is any part of her dress rumpled or displaced; but her shoes remain on her feet, and her shawl is on her neck, until they arrive at the pond, and her umbrella, as I have before mentioned, is in her hand.

The prosecutrix represents, that, from the moment she was first seized, the prisoner and his companion kept hold of her, and they proceeded, uninterruptedly, till they came to the pond; but, on going to the spot, I was surprised to find that there are two turnstiles—one at the top, and the other at the bottom of the avenue; the opening, between the posts are extremely narrow, so that a full grown person can, with difficulty, go through; and, as each of the turnstiles has a moveable cross-bar, or turn-about, at the top of the centre-post, only one person can pass at a time. How the men contrived to get her through these turnstiles, she has not condescended to describe; but it is quite clear,

that both the men could not have held her at the time; and she might, with very little exertion, have made an effectual resistance, so as to have avoided being taken past either of these places; for, by spreading out her arms or legs, and catching hold of the posts, it would have been next to impossible, for any two men to have forced her through; at least, it could not have been done while she had any life and strength remaining, and a disposition to resist.

I should likewise remark, that a considerable portion of the path, near to the rails of the pond, is worn away, and persons cannot go close to them, without danger of slipping down to the brink of the pond; two men would, therefore, have great difficulty in throwing a corpse over these rails, because they cannot approach very near them; and if she had put out her arms, and caught the rails, she might have defied their efforts to throw her over the rails into the pond.

If the prosecutrix had resisted the hay being put into her mouth, would not, I ask, her lips and her gums have been lacerated, and some appearances of injury or excoriation been apparent? Nothing of the sort is, however, exhibited, or pretended to have been inflicted. The statement as to the hay being crammed into her mouth, and the man's hand held over it all the way across the London-field, is, I submit, wholly unworthy of credit. If any are so weak as, without consideration, to believe it, because the prosecutrix declares it was so, I can tell them a way in which they can readily satisfy themselves of its falsehood and impossibility: they have only to have their mouths crammed with hay, and submit to a hand being held over it for *two* minutes, and while they walk a distance of one hundred yards; and then, if they could bear a trial for this short period, answer me, whether a woman could exist, much less

have the perfect possession of her senses, for twenty minutes, and while she walked three furlongs and six yards? Besides, the slightest portion of hay, touching the throat, would have occasioned vomiting; and not only the hay, but the contents of the stomach, would have been forced from the mouth, notwithstanding the endeavours of Harris to keep his hand over it.

It must be presumed, that the plan of destruction had been all previously arranged—the hay and the rope provided, and the pool fixed on, where she was to be drowned. But, although the little pond selected, was, of all others, the least likely for the purpose, because it had not sufficient depth of water to drown a child of five years of age, unless its arms and legs had been tied together previously to throwing it in; and, although it was almost next to impossible that any person could have been ill-used at that spot, on a Sunday evening, in the beginning of October, without the assailants being interrupted and detected, still why were the murderers to commence their violent operations directly she entered the London-field? She had gone on very steadily in her pursuit of the decoy-man—she was continuing in the same course—and there was no reason to doubt but she would follow him *voluntarily to the pond*, where she might at once be seized and thrown in; instead of which, they lay hold of her, in a most public spot, surrounded with houses, and convey her nearly half a mile, along a public path, and in a great thoroughfare; in the course of which they must take her in view of, and past, several houses, and risk the almost absolute certainty of meeting many persons in their progress, to interrupt and detect them, besides affording the prosecutrix an opportunity of observing their persons; when, by seizing her unawares at the pond, she would have had no such opportunity; and

none of the risks I have mentioned would have been incurred. Besides, as she was so yielding to their wishes, why not lead her on to some place that was really retired, and which was calculated to drown her, if that was the object; and many such places were near at hand, as they were in the neighbourhood of the Lea River.

I now proceed to show the improbability of the prosecutrix's statement *as to time*. She says, "*I left the church soon after five o'clock.*" She directly sees and follows the man, "who walked as any one else would," without making a single stoppage; and she must, therefore, have arrived in the London-field, taking her own description of the time to be correct, earlier than half past five o'clock, the distance being little more than a mile; and, as she was hurried across the field, a space something short of half a mile, she must have been *at the pond considerably before six o'clock*; it would at least want fifteen or twenty minutes of that hour: and supposing the searching her pockets, preparing the rope, &c., to have occupied five minutes, there is more than half an hour unaccounted for, because, she is not found at the pond till twenty minutes after six. With a view, however, as I suspect, to fill up as much of the chasm as she can, and to render the inconsistency of her account, as to time, the less glaring, she has mis-stated the hour when the service ended at Shore-ditch church; for I have ascertained, that the service was over at half-past four, and the church cleared of the congregation at twenty-five minutes before five o'clock. Allowing, therefore, a reasonable time to walk the mile and a half, there is upwards of an hour for which no account is given; and if it could be learned where she was, and in whose company, during that hour, and how the time was employed, a new light

would be thrown on the case, and the mystery of Mr. Hale's robbery, would, I think, be fully explained.

I am also able to prove, most satisfactorily, that if she was taken along the path, it could not have been until *after* six o'clock. A gentleman, named Longley, was upon the path in question, close to London-terrace, from five until after six o'clock, and, during the last quarter of an hour, he was insulted by a party of three lads, and two women, who were in company together; and whom he could not get rid of until he knocked one of the lads down. A Mr. Paine, and a female relation, entered the London-field, at Lansdown-place, which is directly opposite London-terrace, and saw the party leave Mr. Longley. On their arriving at the terrace, Hackney clock struck six, and Mr. Paine, at the same moment, examined his watch, and saw that he was correct as to the time. The party, who had been engaged with Mr. Longley, walked slowly past the pond, on the straight path, to the end of the twenty-acre-field, and Mr. Paine, and his companion, followed them closely, until they turned into the lane, which leads to the Red Cow, public-house; Mr. Paine, directly on his returning home, found the prosecutrix at the public-house; and, from his having passed the pond so recently, and also from her manner, he disbelieved her story, and told Rogers, the publican, that there was some mystery in the business, more than the woman chose to discover. I have, besides, ascertained that a Mr. Streeton and his wife were in the London-field, near to the terrace, after six o'clock, and walked as far as the Cat and Shoulder of Mutton, along the path in which the prosecutrix says she was forced; and that several other persons, whose names I am possessed of, went past the pond without perceiving any thing to attract their attention; at the very time

when, if her account were true, she must have been in the pond, or on the path, in addition to which, I discover, that Mr. Wood, who found the pattens, was walking with his wife, in the Twenty-acre-field, from six o'clock, until the prosecutrix was helped over the rails by Bradshaw and Field.

I am aware that the witnesses of truth, when they have no particular fact to guide them, frequently differ in their calculation and recollection of *time*; in the present case, however, the prosecutrix mentions a circumstance, by which the hour, when she says she first saw and began to follow the thief, can be pretty accurately fixed; and, by comparing it with the time when she was found at the pond, and the distance of ground passed over, I defy her, or her strongest partisan, to make her statement probable, or even possible. If the service ended at half-past four, as the pew-opener has deposed it did, and had the prosecutrix gone to the pond without stopping, she must have arrived there a few minutes after five o'clock, and, would of course, have been in the pond an hour, and more, before Bradshaw and Field found her there. Let it, however, be conceded, that she left Shoreditch Church at five, or soon after, she and the men must have been in London-field, and at the pond, long before six; they must, consequently, have had to pass Mr. Longley, as he was on the very same path, and he could not have avoided seeing them; besides, they must have been in view of Mr. Paine and his companion, and those other persons who were upon the spot at six o'clock, and whose number, I can show, at least amounted to twenty.

I have now, rather minutely, analyzed, and observed on the testimony given by the prosecutrix, at the trial; and, if I have been able to convey my impressions to

the mind and understanding of the reader, I feel assured, that nothing more is necessary to prove the glaring inconsistency of some, the utter impossibility of other parts of her story, and that the whole is utterly irreconcilable with truth. I shall, however, in the progress of observing on the testimony of the other witnesses, have occasion to make further remarks on her tale, as contrasted with their evidence, and render her statement, if possible, still more incredible, and absurd than it now appears.

JOHN BRADSHAW proved that, as he was passing the pond, in company with a young man, named Field, about *ten or twenty minutes after six o'clock* in the afternoon, a female said, "For God's sake, Gentlemen, give me assistance, for I have been robbed by TWO MEN, and thrown into this pond. Field Jumped over the rails, and assisted her into the path-way—she was in a dreadful state, *the lower part of her* was all covered with mud, and she was wet up to the breast—she was by the edge, not in the pond. They took her to the Cat and Shoulder of Mutton. The fields are much frequented on a Sunday; but they had particularly remarked, that they had not met a single person, except two men, and those they met coming in a direction from the pond, towards the Cat and Shoulder of Mutton.

ELIAS JAMESON FIELD confirmed Bradshaw, and said, "The prosecutrix was standing by the edge of the pond, wet up to her arm-pits; *her legs* APPEARED to be muddy."

These witnesses were subsequently asked as to the state of the prosecutrix's shawl and umbrella, and they both asserted, that they did not notice whether they were wet or dry. The testimony of these men, in my opinion, tends much more strongly to contradict, than to confirm, the prosecutrix. I have already observed on the improbability of her *legs only being muddy*, and of her being wet no higher than her breast, if she had been thrown over the rails, had *rolled into the pond*,

and stood therein, with no part, excepting her head, out of the water. The most material contradiction, however, is in her having told them, that TWO MEN only had committed the offence. How is this to be reconciled with her subsequently stating the number of offenders to be THREE? Perhaps the idea of inventing, and adhering to the absurd tale which she afterwards related, had not occurred to her, when she first saw Bradshaw and Field; at all events, it seems not to have been fully matured and arranged; otherwise, she would have been more consistent in her conduct, at this moment. If she had been really ill-used, the offenders, according to her statement, had not left her more than two minutes, when these men came up; and if she had pointed which way the thieves went, they could not have been out of sight, and might, therefore, have been pursued and taken, with the greatest facility; and surely, if they had robbed her of all her little stock of money, she would have been anxious for their apprehension, if it were only to recover it. Instead, however, of instantly directing Bradshaw and Field which way, *and where*, to go in pursuit of the offenders, she would scarcely answer the questions they put to her; and they have both told me, that, after accompanying her to the public-house, they went into another room, and took no further notice of her; that they did not believe a word of her having been robbed, and never expected to hear any thing more of the occurrence; their firm persuasion being, that something had affected her mind, and that she had walked into the pond, with an idea of drowning herself; but, feeling the water cold and uncomfortable, she had very soon altered her determination, and walked out again. They both concur in stating, that daylight had not disappeared, although it was getting dusk, and that persons

standing in the path could certainly have seen any thing in the pond; and, in their opinion, if the smallest part only of the prosecutrix's head was above the water, it must have been visible to any one who was near the rails.

With respect to these witnesses not having met any one in their progress across the London-field, it can only apply to the precise period they were on the path; because, as I have before remarked, I can trace at least twenty people to have been along it within the preceding ten minutes, or quarter of an hour; and, no doubt, many others passed in that time, of whom I am uninformed. The circumstance, however, of the field being so deserted, excited their observation, and appeared to them as very unusual. The two men, whom they met just at the top of the avenue, must have passed the pond; and it is a little extraordinary, that they should not have seen the thieves and the prosecutrix, and interfered on her behalf. It may be insinuated, that they were probably two of the thieves; if so, what had become of the third man? Besides, these men were coming in the opposite direction to that which the thieves went, when they left her; they were *going* to the White Horse, which is in the lower part of Hackney, and a path on the right, below the pond, leads direct to that house; but these two men were coming towards town, and in a direct contrary line *from* the White Horse. It may also be remarked that Bradshaw and Field, although they shortly after saw Harris, could not say that they believed him to be one of those men.

CHARLES ROGERS, who keeps the sign of the Cat and Shoulder of Mutton, proved, that the woman was brought to his house by Bradshaw and Field; that she complained of having been robbed, and thrown into the pond, and that he got a coach, *by her desire*, to take her to *Worship-street Office*.

I have already remarked on the conduct of this woman in desiring to be taken to *Worship-street office*, rather than to Mr. Hale's house, which was in the neighbourhood; and this is the more extraordinary, as she was told that no officers were likely to be at the office, as it was Sunday. The coachman also stated his readiness to drive her to Mr. Hale's, at Homerton, and for some time declined going to town, because he was under an engagement to return for his fare, at Hackney, in an hour, and he was apprehensive that, by going to *Worship-street*, he might not get back in time: she however, was positive; and having got into the coach, the man had no alternative but to drive her where she directed.

Rogers tells me, that he made no particular observation of the woman; but, that seeing her apparently in distress, he gave her a glass of brandy and water; which, it appears, she drank off without solicitation, notwithstanding the perturbation of her mind.

If we look at the conduct adopted by the numerous different individuals who saw the prosecutrix directly after her coming from the pond, we must be satisfied that they did not believe her to have been ill-used; and these persons were better able to form a just opinion, from seeing her so immediately after the transaction. Bradshaw and Field, according to her account, having helped her over the rails, left her to find her way, as she could, to the public-house; her words are,—“*I walked behind them to the Cat and Shoulder of Mutton public house.*” The young men, however, say, that they kept nearly by her side, conversing with her, and asking her questions, as they walked along; but directly on arriving at the house, they separated from her company. Out of six or eight men that were in

the tap-room, and who saw her partially wet and muddy, not one seemed to feel the slightest interest for her; but if she had stated such ill treatment as she has since described, and her then appearance had confirmed the statement, can any one believe she would have been thus treated? Would not every care and sympathy have been shown her, and would not some person have accompanied her home, especially Field, who lives just in the neighbourhood of Worship-street? Instead of which, she is left in the tap-room by her first conductors, and afterwards to go in the coach by herself; and little or no civilities are shown to her, more than would have been bestowed on a drunken prostitute. The landlord, it is true, gives her brandy and water; but the observation made by him when he did so, (at the same time that it does credit to his humanity), proves, that he doubted whether she was deserving his bounty: the remark, made by him, was this; "Well, let her be what she may, she appears in distress, and I will give her something to drink, whether she can pay for it or not." Mr. Paine mentioned, at the same time, his suspicions, that more was meant, than she then chose to disclose. But the fact, which, in my mind, is decisive of the very equivocal estimation in which the prosecutrix and her representations were held, is this, that not one of the female branches of the publican's family paid her the slightest attention; and neither of them, not even the woman servant, is able to give any distinct account of the state in which she was, while in their house.

WILLIAM ATTFIELD, an officer of Worship-street, proved, that he went to the skittle-ground, with the prosecutrix, on the 29th of September, and entered into conversation with Harris. That, on Sunday night, the 3d of October, he saw her at Garton's, when she complained of having been robbed by **THREE PERSONS**, and gave information that led to the apprehension of the prisoner, the

next day. And he adds—"On Tuesday, I went with Joshua Armstrong, TO THE POND, expecting to find the pattens, but Wood produced them."

From this officer we learn, that, in an hour after she had told Bradshaw and Field that she had been robbed, and ill-used, by *two* men, she tells him that *three persons* had been concerned; and the strong fact is elicited from Attfield, that he, and another officer, went, on the Tuesday, *to the pond, expecting to find the pattens*; but, why did not the witness then state, with candour and fair dealing, what is the now well known fact, that the prosecutrix represented *her pattens as being* IN THE POND, until after Wood produced, and stated where he had found them? As to what this witness says, respecting the information given by the prosecutrix, which led to the prisoner's apprehension, I will not, at present, venture to disclose all I have been told; but I cannot help repeating what I have before said, that, if the prosecutrix had accused Harris, as being one of the party, it is unaccountable that Garton should have expressed his readiness to give fifty pounds to discover the offender. On referring to the *Chronicle* report, I find it asserted, "that Garton, the chief constable, dispatched four of the officers in pursuit of the offenders, of whom, however, they could obtain no further tidings that night." This was inserted from Garton's own representation; and, to have enabled him to give the proper instructions, he must have questioned her, and learnt some particulars of her story; surely, then, if Harris had been named, or referred to, some of the officers would have gone directly to his lodgings, which were within five minutes' walk of the office, to take him, if at home, or waited to seize him, on his arrival; or, at all events, have apprehended him the next morning. It appears clear,

that the prosecutrix could not, on the Sunday evening, have told either Garton or Attfield, that she had overheard the men say, "they were going to the White Horse to regale themselves;" because, if she had made this known, they would have instantly gone, or dispatched other officers, *to that house*, in search of the offenders. But, so far from any one going, *that night*, to the White Horse, the landlord and landlady tell me, that four or five days elapsed before any one came to them to make any inquiry on the subject.

JAMES HANLEY, an officer of Worship-street, said, "On the 29th of September, I went, with Attfield and the prosecutrix, to the ground, behind the Princess of Wales, where I saw the prisoner, and spoke to him, *and called the prosecutrix's attention to his person*. We returned to the ground, in a quarter of an hour, *and I again called her attention to him*. I was in conversation with him, and am certain she saw him. We directed her, in case she saw the man suspected, to watch his motions, to see where he went to, and to come to the office, and give information. On Monday, at eleven o'clock, I apprehended the prisoner, and told him it was on suspicion of robbing and ill-treating a woman, in London-field, the evening before; he said, "It is very hard, let what will be done amiss, I am sure to be charged with it." He went very quietly. The distance of the pond from the Cat and Shoulder of Mutton, is three furlongs six yards. From Shoreditch Church to the pond is ~~one~~ ^{one} mile, four furlongs, and two hundred and nine yards.

The evidence of this witness appears to me to bear so little on the case, as to render any observations on it unnecessary; and I should, perhaps, have passed it by altogether, had not Hanley, on accidentally meeting me, a few days ago, complained of his character being impeached, by my asserting that he had pointed out Harris to the observation of the prosecutrix, and persuaded her to accuse him. I answered, "that

to the best of my recollection, no such direct charge had been made, although, perhaps, it might have been justified, from the information I possessed." Hanley replied, "it was insinuated, if not expressed." Whereupon I remarked, that if his conscience was clear, I was a little surprised *he* should feel so sensitive upon the subject, and take to *himself* an imputation which was certainly not specifically applied to him. He then said, "it was extremely hard, if the woman had imposed upon him, and his brother officers, that they should be blamed. He denied that they had twice pointed out Harris to her notice, in the skittle ground, and said he should consider himself unworthy of being an officer, for another day, if he had done so. I told him, that the circumstance of pointing out Harris, was to be found in the evidence of the prosecutrix, who had mentioned it, on other occasions, in much stronger terms; and, if it was untrue, she was to blame, and the account must be settled with her. At this time, I had not particularly adverted to this officer's evidence and was not aware that the fact appeared in any other part of the trial; but, on coming to Hanley's evidence, I find that he himself most unequivocally confirms what the prosecutrix says on this point. He says, that, on first visiting the ground, "*he* spoke to the prisoner, and *called the prosecutrix's attention to his person*. They returned again, in a quarter of an hour, when *HE AGAIN called her attention to him*." Why he *twice* called her attention to the prisoner, and what he said to her, let Mr. Hanley, if he can, explain as being consistent with his duty. I have been told what language was used on the occasion; but, for the present, I do not feel fully authorised in repeating it.

JOSHUA ARMSTRONG.—I am an officer. On Tuesday, the 5th of October, I went with Attfield to the pond, in London-

field, and received a patten from Wood, which I produce. The prisoner, when charged by the prosecutrix with this offence, said, "I can prove where I was; I was at home in bed yesterday from two o'clock in the afternoon till eight in the evening." I took it down in writing at the time,

This witness, like the former, says not a word about the pond having been drained to search for the pattens. The declaration of the prisoner as to his being at home all the afternoon, from two till eight, is most material in his favour; and the more particularly so, because it was made at the same moment as the charge, when he had not had the opportunity of concerting, and making up a false *alibi*; and I think it will hereafter clearly appear, that he actually was at home as he stated.

THOMAS VANN, an officer, proved that he was present when the prisoner said he was at home, in bed, from two o'clock till eight, and produced a rope, which he received from Streeton.

JOHN STREETON, a gardener, proved, that, on the 20th of October, he found the piece of rope, produced by Vann, among the black currant trees, in his garden, which is seven or eight yards from the path, in the London-field, and sixty or seventy from the pond. It was not there three weeks or a month before.

THOMAS GARTON.—I am an officer. I received a rope from Streeton, and took it to the prosecutrix. I desired her to describe it, before she saw it, which she did. Her description agreed with it, all but one end. She said it was unplatted at one end, and it was unplatted at both ends. She said, she thought, it was only unplatted at one end.

Although great parade is made in the production of this piece of rope, there being no less than three witnesses to usher it into Court, I confess myself unable to perceive how any importance can be attached to it. It is picked up in a garden, close under the public path-way of London-field, and where any person, passing along that path, might throw it with the greatest facility. It is found nearly at the distance of three ~~weeks~~ after the supposed attack, and it is unknown

whether it might not have been in the garden before that period ; and the only reason for believing that it might be the rope, with which the woman was frightened, is, because she described the rope, she saw, as having one end unplatted, and this had both ends so.

It appears to me that the prosecutrix is, in this particular, as in every other, a little too minute in her observation. At a time when a female, possessing ordinary sensibility, would have been fainting with alarm, and unconscious of every thing but her own danger, this woman notices every thing with the nicest exactness, and is able to observe, in addition to all the other circumstances, the unplatted end of the rope.

If the prosecutrix had given a description of the rope, before it was found, it would have been more satisfactory ; and it might have been as well, if the time had been mentioned, when Garton had the conversation with the prosecutrix respecting it. It should, also, have been explained, how Garton got the rope from Streeton, seeing that the latter had given it to Vann ; and then, again, how it happened, and why it was necessary for Garton, after showing the rope to the prosecutrix, to return it back to Vann, for him to produce it on the trial—these interchanges are not usual. And the reader will perceive, that if the prosecutrix should, by any accident, have learnt that a piece of *unplatted rope* had been found, and was in the hands of the officers, there would have been no great miracle in her giving a description that would tally with the piece of rope found by Streeton.

I think, however, it must be pretty evident, that this could not have been the rope alluded to by the prosecutrix, even if she had been treated as she described :—First, because it had *no knot in it* ; and she has stated, distinctly, that two of the men, while at

the pond, were engaged in tying *a knot in the rope* produced by Harris from his pocket;—Secondly, because the rope was a short piece of old stuff, or junk, not more than a yard long, and by no means calculated for hanging, or strangling, any body;—Thirdly, because it was unlikely that the offenders should have brought the rope from the side of the pond, up the avenue, merely to throw it into Streeton's garden;—And, lastly, because the offenders, according to the account given by the prosecutrix, went the contrary way, namely, towards the White Horse.

The most rational presumption, respecting this rope, was suggested to me by a gentleman, living on the spot; who says, that, about twelve months previous, there was a sale of shrubs at this garden; and as the rope was just such a piece as was likely to be provided for tying up articles of that description, it occurred to him as probable, that the rope had been brought and left on the ground, by some person who had attended the sale; and he accounted for Streeton not noticing it, because it was so insignificant as not to have excited the attention of any person, who might have seen it there, before at least this charge was made.

EDWARD WOOD, cow-keeper, Dalston.—On Sunday, the 3d of October, at about twenty-five minutes after six o'clock, I picked up a pair of pattens, by the side of the foot-path leading from Dalston to the Cat and Shoulder of Mutton, about two hundred and forty yards from the pond. I took them home. I went to the pond when it was being emptied; and, from what the officers said, I went home for the pattens, and gave them to them.

SARAH DREW.—The pattens are mine.—*The place where they were found, is where I put them off.*

The reader will, doubtless, perceive, that this evidence mainly confirms the propositions respecting the

pattens, &c., on which I have already made several remarks. Mr. Wood and his wife entered the twenty-acre field, which is rented by them, at six o'clock : they walked about it, in different directions, looking at their cows, for about twenty minutes, when a young man came up to them, and asked the way to the Red Cow ; they directed him ; and he then said, " A young woman has just been taken from that pond," pointing to the pond in question. Whereupon they went up the avenue, and saw traces of wet from the pond ; and, on arriving at the corner of London Terrace, found the pattens perfectly clean and dry, as I have before described.

I have now given all the evidence offered in support of the prosecution ; and, if the place, the time, and the circumstances are considered, a more incongruous, absurd, and self-refuting tale, was never presented for judicial inquiry. Neither the learned Judge nor the Jury, were, I dare say, acquainted with the situation : many important facts were also, most reprehensibly, concealed from them. No imputation, therefore, nor even the slightest reflection, can, or ought to be, cast upon them, for deciding on the evidence as it appeared before them ; and it is a debt of justice which I owe to the Jury, to state, that many intelligent and respectable gentlemen, who were present at the trial, have declared to me, that had they been on the Jury, they should have given the same verdict, and found the prisoner guilty. The persons deserving censure, are those who discover discrepancies and improbabilities in the statement of an accuser, and who, instead of at once denouncing and exposing its fallacy, allow that statement to be altered, as circumstances render it necessary, and, by telling only *a part of what they know*, support a groundless accusation ; when, by stating *the*

whole truth, they would at once refute the fabricated tale, and preserve the intended victim from destruction.—But to return to the trial. The prisoner, on being called on for his defence, merely said,—“On the day she was robbed, I was at home;” and his counsel proceeded to call his witnesses, three of whom were his own children.

ELIZA HARRIS proved, that she lived with Mrs. Walker, in Carter's Rents; that on Sunday, the day before her father was taken up, she went to Mr. Marshall's, who lives nearly opposite her father's, at five minutes before six, to buy some apples, and at that time saw her father, at his window, in his shirt sleeves.

This young girl underwent a very long and minute cross-examination by the prosecuting counsel, and was also closely questioned by the Judge; but her answers were consistent throughout. In the course of her cross-examination, she said, that as she was going to Spitalfields Church, about half-past three o'clock, she met her sister, by accident, in Brick-lane, as she was coming up.

RICHARD MARSHALL proved, that on the afternoon in question, at five minutes before six o'clock, the last witness bought apples at his shop.

EDWARD HARRIS, Jun., proved, that after dinner his father was taken bad, and laid down, and his mother sent him to chapel. That he went to chapel at the corner of Wood-street; and when it was over, between five and six o'clock, he went straight home, and found his father and mother at tea. His father sat by the fire until eight o'clock, and then sent the witness to bed; that his father had only his breeches, shirt, and waistcoat on at tea-time.

On his cross-examination, this boy, who has just turned of eleven, prevaricated a good deal as to the church or chapel at which he had been to hear the service; and it has been since clearly ascertained, that no service was performed that afternoon at the chapel he described; and, having asserted a falsehood in this

respect, I admit, that he is wholly unworthy of credit on any other point ; but I firmly believe, that both his father and mother thought he had been at chapel ; they had desired him to go there ; he went out for the purpose, and when he returned, he said he had been to a place of worship. Having thus, without foreseeing the consequences, imposed on his parents, he was afterwards induced to persist in his false assertion, rather than acknowledge that he had disobeyed their injunctions ; and the result of his wickedness has been most dreadful to the author of his existence ; for, to this detected lie, I attribute the discredit given to the *alibi* altogether, and the consequent conviction of his father. This incident exhibits to young persons a wholesome lesson on the importance of adhering, at all times, to the truth ; and the necessity of retracing their steps, and acknowledging their error, at the earliest possible moment, if they have incautiously deviated from veracity ; because, as in this instance, they cannot foresee the dreadful consequences that may arise by persevering in falsehood.

ANN HARRIS proved that she dined with her father, mother, and brother, about one o'clock, on the Sunday in question. That, at three o'clock, she went to Walker's, to clean herself ; and her brother was sent to chapel. That she returned to her father's, at about half past four, and found him asleep, in bed, with his breeches on, but his coat and waistcoat off. She then went to take a walk, and did not return till between nine and ten o'clock.

This witness, in answer to a question from the Jury, said, that she had not met her sister between half-past three and half-past four.

This contradiction, of Ann and her sister, as to their having met each other, appears to me very trifling and unimportant, and may, in point of fact, be no contradiction at all. Eliza does not say that she stopt her sister, or spoke to her, or that her sister noticed her :

although Eliza might have seen Ann, as they passed near each other, Ann might not have observed her sister. Besides, the meeting was of such a nature as not likely to have been remembered by either the one or the other: as it seems, according to Eliza's evidence, to have been a mere passing one another, in the street, close to their own home; and as they were in the habit of meeting and seeing each other several times a day, the circumstance of their meeting, even had they stopped and conversed together, was not likely to have been impressed on their memory, so as that both of them should have recollected the circumstance, when unexpectedly asked the question, at the distance of a month.* Had, however, any variance appeared in the evidence given by these two girls, as to little circumstances, they ought not to be disbelieved in the main point: when several witnesses, to *alibi*, differ in trifling matters, I am the more inclined to believe them. In fabricated *alibies*, which, for the credit of the Sessions practice, in London, I am proud to say, rarely occur, the witnesses meet and concert, to the most minute particular, the story they are to tell; a regular drill takes place, so that they may chime and agree together; and when they appear in Court, to give evidence, although called in separately, each tells the same tale; and the ready manner in which their evidence is given, carries with it, to some uninformed minds, the air of truth, and it succeeds. But when several witnesses come forward to speak to a transaction, that really occurred, for instance, that they were in company with

* I find, on inquiry, that Eliza called to Ann, as she passed on the opposite side of the way, but Ann neither heard nor saw her sister; both the girls were therefore perfectly correct in the evidence they gave on the trial, notwithstanding the apparent inconsistency in their testimony.

an individual, at a certain time and place, a month previously, they will probably all differ, in some minute particulars, as to time and circumstances, and if they happen to be young uninformed persons, who have never before been in a Court of Justice; the novelty of the appearance of every thing around them, the consciousness that all eyes are looking upon, and all ears listening to them, will occasion dismay and confusion. The opposing counsel know well how to take advantage of their situation; and sometimes, by the ingenuity and the rapidity of questions, get the disconcerted witnesses into labyrinths, from which they are unable to extricate themselves; and their evidence is suspected to be false, or is, perhaps, altogether disbelieved. That the witnesses of truth are likely to vary, in reciting the same transaction, must be evident to every one who mixes in society. For if six persons, who have passed some hours together, are asked, individually, at the distance of a month, to detail every thing that occurred, I will venture to say, that no two of them will agree in all the particulars and circumstances, or state, in unison, the order in which they occurred.

THOMAS YARDLY proved that he knew the prisoner by sight, but was not intimate with him; He lived directly opposite to him, and heard of his being taken up on the Friday; on the Sunday before that Friday, he was at home all the afternoon, and, at about a quarter past five, saw a man, whom he believed to be Harris, with his waistcoat and coat off, as if he had just come off the bed. He called his wife and his apprentice to the window, for the purpose of seeing him, because he was a notorious fighting man, and there had been something between him and the brother of the witness. That hearing the prisoner was charged with committing a robbery, at six o'clock, and that his *case was a bad one*, the witness went to Newgate, to see if he could identify him as the person he had seen at the window.

Mrs. YARDLY.—I am the wife of the last witness. I heard of Harris being taken up on the Monday. I had seen him on the Sunday, about half past five o'clock, or twenty minutes to six. I was at our window, and he was at his window, in his shirt sleeves—he is the man. Norwood was there. In answer to questions put by the Judge, she said, I never knew the prisoner before; my husband pointed him out to me, and said, "That is Kiddy Harris, the man whom my brother was going to fight some time ago." I had seen him before, but had never known him by name.

JAMES NORWOOD.—I know the prisoner by sight; heard of his being taken up on the Monday morning. On the Sunday before that, saw him at the window, about half past five o'clock, or twenty minutes to six. Master and mistress had been looking at him. I think he is the man, but should not like to swear it. In answer to questions by the Judge, the witness said, *my master told me, on the Monday morning*, that Harris was taken up, the next morning after I had seen him at the window.

JOHN JONES.—I live with my brother on the ground-floor of the same house with the prisoner. I heard of his being taken up on the 4th of October. I went to Chapel on the Sunday at two o'clock, and afterwards went round Brick lane, and then to my brother's. I got there at half past five o'clock, and saw Harris looking out of his window; he had no coat nor hat on. I staid until half past six, and did not see him come down stairs; he could have gone out without my hearing him.

ESTHER JONES, sister-in-law to the last witness, merely proved that her brother, John Jones, was at her apartments, at the time he mentioned, on the Sunday; and that she herself did not see Harris all day.

This was the whole of the evidence on both sides, and the Jury, after retiring from the Court for about twenty minutes, returned a verdict of *Guilty*.

If the evidence of the prosecutrix had been consistent and probable, still the testimony, adduced on behalf of the prisoner, ought to have preponderated, and obtained his acquittal; for notwithstanding the trifling

contradictions on collateral subjects, there was nothing to destroy the credibility of either of the witnesses, excepting the boy, as to the main point, namely, that Harris was at home, with part of his family, at the very time he was accused of being in the London-field.

From long practical experience I may, without vanity, I hope, consider myself competent to judge, pretty accurately, whether persons who give me a detailed account of a transaction, are telling me the truth; and I declare most solemnly, that, in taking the relation of facts from the prisoner's witnesses, I never once had occasion to doubt their veracity; on the contrary, as the investigation proceeded, abundant confirmations were afforded, that their statements were correct.

On the part of the prosecution, it was evidently made a matter of importance, that the prisoner, when first accused, had declared, that "he was at home, *and in bed*, from two until eight." The officers were, doubtless, well aware, that several witnesses were coming to prove that they had seen Harris at his window. In order, therefore, by anticipation, to counteract and destroy the effect of this testimony, great stress was laid on his expressions about being *in bed*; and the prosecutors wished it believed, that the prisoner had meant to say, he was in bed *all* the afternoon, which would be inconsistent with his having been seen at his window. Now, as the only material part of the sentence, for attention and observation at that time, was, whether he was *at home*, or not (and it was a matter of perfect indifference, whether he was in bed, or up), I think it would be too much to rely on Mr. Armstrong's accuracy, as to the precise words used by the prisoner, as to being in bed. It would, also, I consider,

be too strict a construction to put on the words, to contend that they necessarily implied, that the prisoner meant to say, he was *in bed, during all the time specified*. If the officer is correct in his recollection of the expressions, still I submit that they are equivocal, and surely the worst interpretation ought not to be put upon the words of a man when under the embarrassment of a capital accusation, and just taken into custody. On looking, however, at the expressions altogether, I do not see how they exclude the possibility of his having been at the window ; because if he was *at home all the time, and in bed* for a considerable part of it, the fair, and liberal, if not the strict literal meaning of the words, is satisfactorily made out.

The prisoner, directly the offence is made known to him, declares his innocence, and says, "I was at home, and in bed, at the time;" his defence of *alibi*, therefore, is no after-thought, for it is promptly avowed ; and, before he has any opportunity of communicating with his family or friends, he says, that his wife and children can confirm his statement ; which observation he repeated to Mr. Vickery, the Governor of the House of Correction, to whose custody he was committed and kept for a week, without intercourse with any one. On being brought again to the Police Office, he perseveres in his assertion, and is anxious for his children to be called ; on his trial, he reiterates it ; and, until the last moment of his life, he perseveres in the same declaration.

The testimony of his daughters carries with it strong internal evidence of truth ; because, if they had been wicked and hardy enough to have sworn falsely, they might both just as easily have stated themselves to have been in his company at home, so as to have excluded the *possibility* of his being at the London-field, any part of the afternoon or evening, as to have given

the evidence they did—one of them merely stating, that she saw him accidentally, for a few moments, at the window; and the testimony of the other, showing only *the improbability* of his being the offender, from her having left him lying on the bed, asleep, at half-past four o'clock.

When Eliza came to my office, to state what she could prove, she described herself as having gone to buy some apples, at Marshall's, and then accidentally seeing her father at his window; but neither she nor her mother had any thought of applying to Marshall. Considering, however, that his evidence might afford an important confirmation, I sent a clerk to ascertain if he recollected the girl coming to his shop, at the time mentioned; and he, without hesitation, remembered the fact, and was subpoenaed to prove it. The evidence, therefore, of this confirmatory circumstance, did not originate with the prisoner, or his family, but was obtained entirely from my inquiry and suggestion, and the discovery of the fact left no doubt on my mind of the truth of Eliza's statement.

When the prisoner was taken, he had no idea that any person, besides his own family, could prove his being at home, but, on my learning the fact that his daughter, and the lad, named Jones, had seen him at his window, I thought it probable, that others, who knew Harris, had also seen him there, and I directed inquiries to be made of people in the neighbourhood, and also at the public houses near the spot, to ascertain if any such proof could be obtained; shortly after, communication was made to the prisoner's mother, that a man, living opposite to them, named Yardly, had stated, that he and his family saw her son at home on the Sunday afternoon; the poor old woman, accordingly, went to Yardly, and asked him if he had

seen her son on the day in question; he answered, that he had seen a man at the window, who had been pointed out to him as Harris; but whether that was his name or not, he could not tell. She urged him to satisfy himself, and to come forward, and save her son's life; and I believe, that, had not Harris's life been in danger, Yardly would not have given himself any trouble on the occasion; because, he had rather a feeling against him, for having ill-used his brother some time previously. Being told, however, that this was a dangerous case, he thought it his duty to state the truth, to save the life of a fellow-creature, and he went to Newgate to satisfy himself whether Harris was the man; and although Yardly and his apprentice were extremely cautious on the trial, and spoke only as to their *belief*, no one can, I think, entertain a doubt of Harris being the man they saw, especially as Mrs. Yardly deposed, with positive certainty, as to his identity. I have thought it material to state the manner in which these witnesses were heard of, and their testimony obtained, because it must convince every impartial inquirer, that they were the witnesses of truth, and not hired or suborned to set up a false *alibi*. It may be necessary, perhaps, to notice the statement of Yardly, as to his hearing of the charge against Harris, on *the Friday* following the Sunday he saw him at the window, when the apprentice says his master told him of Harris being taken up on *the Monday*. This might, on the first view, be considered an irreconcilable contradiction, but it is easily explained. The circumstance of Harris's apprehension was made known directly it occurred, and Yardly, as well as every body living in the street, must have heard of it the same day; *the particulars*, however, did not so soon transpire; and it was not

until *Friday*, that Yardly heard Harris was accused of robbing a woman in Hackney-fields, *at six o'clock*, on the Sunday preceding. When, therefore, Yardly talked of hearing of Harris being *taken up* on the Friday, he meant it was Friday when he learnt the time and place of the supposed robbery; and then knowing Harris to be innocent, (if he was the same man he had seen at the window,) he went to Newgate to satisfy himself as to Harris's identity.

It was urged on the trial, as highly improbable, that the prisoner, who was unwell, should have been at his window, *without his coat and waistcoat*; and if the prisoner had been a weak, sickly man, accustomed to take great care of himself, there would have been good ground for the remark; but when it is considered that he possessed a strong, hardy constitution, and was in the general habit, when at home, of going without his coat, the improbability is in a great measure removed; and when it is recollected that he had been previously *lying down* without his coat and waistcoat, the probability is in favor of the prisoner, because he was most likely to have gone from the bed to the window without putting them on.

A circumstance has transpired since the trial, which although apparently trifling, very much confirms the fact of Harris being at home, and asleep, in the afternoon. When Ann went up at half past four, her mother told her not to make a noise, lest she should awake her father; and this observation was overheard by Mrs. Jones, who lived in the rooms immediately under Harris.

That these poor girls told the truth upon the trial is proved beyond a doubt, by what occurred early on the same Monday morning that their father was apprehended,—this occurrence did not become known

to those who interested themselves on his behalf, until a short time before he was ordered for execution; it is this—the sisters slept together at Mr. Walker's in Carter's-rents on the night of Sunday, the 3d of October, and early the next morning, when they were getting up, Mr. and Mrs. Walker heard them conversing about their parents; in the course of which conversation, Betsy asked her sister, how her father was? This clearly showed, that Ann had been visiting him. Ann was heard to say, "that her father and mother had been quarrelling on the Saturday, and that her father stopped at home on Sunday, for fear her mother should pack up her clothes, and be off again.*" Mr. and Mrs. Walker, in the course of the same day, heard that Harris had been taken up, and charged with committing a felony the day before, and referring to the conversation they had overheard, they remarked to each other, that whatever offences Harris might have committed at other times, he could not be guilty of this. Mr. and Mrs. Walker, I understand, are people of unimpeachable integrity; he has never worked but for two masters, one of whom is Mr. Hale, and to him he referred for his character.

It is also right, that I should mention, on behalf of these poor children, that notwithstanding the dissolute character and habits of their father, they have always conducted themselves with propriety, and all who know them say, they are hard-working, discreet, and good girls.

I have in vain endeavoured to find an adequate cause for the supposed outrage. It could not be expected,

* It appears, that Mrs. Harris had lived separate from her husband for some months, and had only returned to him two or three weeks before his apprehension.

that a woman in Sarah Drew's situation, would have any property about her for which three men should risk their lives,* it was therefore, very unlikely that Harris and his companions should have conspired to decoy her away *to rob her*; and as to the idea of murdering her, for the purpose of getting rid of her testimony, it is extravagant and absurd. If the object were to murder, why waste time in taking off her shawl which was afterwards left, and in searching her pockets, where nothing of value could be expected to be found? Besides, why was she to be destroyed? the thief could not know that she would be able to recognise him; and supposing she could, he must have known that her testimony alone, would have been insufficient to convict him, because she had merely seen him in the passage with a bag containing something, but whether *that something*, was her master's silk, or any thing else, she of course could not tell; and so long as none of the stolen property could be traced to him, whatever suspicion might be entertained, he was quite safe from a conviction. Was it likely, therefore, that *three* men should risk their lives by attacking this woman, and contemplate the horrible crime of murder, merely to save *one* from being taken into custody, and the more remote chance of his being convicted of an offence, not likely to endanger his life? I have generally found that professed thieves feel a just sense of horror at the crime of murder; and supposing the thief in this instance, was conscious that he could be identified, was apprehensive that the woman's evidence could convict him, that his life was in jeopardy, and to relieve himself from this danger, he made up his mind to destroy her,

* Servants are not in the habit of taking their stock of money out with them on a Sunday and there is no reason assigned why this woman should have taken her's, as she was merely going to church, and not any where to spend money.

is it reasonable to believe, that he could prevail on two other men, who were not in jeopardy, and who could have no such motives as himself, to join him in this hazardous and wicked undertaking? Had such a proposition been made by a man so circumstanced, to his companions, would not the probable answer have been "Why should we run ourselves into danger for nothing? you are at liberty, and can keep out of the way, until the thing is blown over, and all thoughts of looking after you are given up."* Harris, in particular, if he possessed the least prudence, would have declined engaging in such a scheme because he had been twice pointed out to her at the skittle-ground, she must have become well acquainted with his person; and as she would be able to describe him, in case the plan failed, so as to have him immediately apprehended, the hazard to him was greater than to any other individual, and surely he would have urged this as a reason for his refusal. Had they, however, determined on the desperate expedient of destroying the woman, to prevent the possibility of her becoming a witness against one of them, can it be supposed that three thieves, could have formed a plan for effecting their purpose, so ridiculous as that which she represents these men to have acted upon? for a letter is written to terrify and alarm her, and threatening her destruction if she *watches* the thief, at the very time it is their wish and intention to entice her to follow him; and instead of decoying her into some of the intricate and retired spots in Bethnal-green, where they might have destroyed her without much danger, she is to be led into the public road, and the attack made on her in

* This course it is evident would have been the most judicious, because six months have now elapsed, and the thief has not been taken; he might, therefore, just as well have made up his mind then, to keep out of the way, as he has done since.

a place, where, from the number of houses, and the constant passing and repassing of people along the paths, observation and detection were almost inevitable; besides, as the threatening letter had been sent, they could not expect, if she followed at all, that she would have persevered to the extent of a mile and a half; the thief must therefore have been in danger of her changing her mind at any moment during their progress, and causing him to be apprehended.

There is not a thief in London, who would, for a moment, think of putting himself in such a perilous situation, nor will any one believe, that a regular thief would have acted in so ridiculous and absurd a manner.

I may remark that females, who, throughout the week, associate with many others, in large manufactories, seldom spend their Sundays alone; and if allowed to go out where they please, they, in general, join some of their companions. This prosecutrix, in particular, from having so recently received a dreadful threat, and also from her being directed to look after the thief, would have been anxious to have had some person in her company; she however chooses to go alone, and it perhaps might be so. But if she was in the habit of going to Shoreditch church, she must have become acquainted with some of the persons who attended it; and, it is strange to say, that although a gentleman repeatedly asked her to name or describe any one whom she saw, either in the church or out of, it during the afternoon, she stated herself unable to do so, and said that she did not see any individual whom she knew or recollected.

I have been asked, what motive Sarah Drew could have for making a false charge? and have been told, that unless I can prove that she had a base motive, her story ought not to be doubted. To this doctrine I do

not subscribe, for although I admit, that, in general, when a person asserts a falsehood, or is guilty of a crime, you can perceive some interested cause by which they are impelled, yet it too frequently occurs, that malicious and atrocious acts are committed, for which no reason or motive can be assigned. But when the mischief is apparent, are we to doubt its existence because we are unable to find a rational motive for the act? Are we to believe a story, which common sense and reason repudiates, because *the motive*, for fabricating the falsehood cannot be defined? Every sensible man will, I think, reject such propositions, and concur with me in opinion, that a charge, made evidently without foundation, by which an innocent man loses his life, ought not to escape animadversion and exposure, merely because the motives of the accuser cannot be shown. In this case, I admit, that no specific cause has yet been traced, to account for the prosecutrix inventing a false story; still, if the tale *be false*, it must be assumed that the prosecutrix had some inducement; and in the absence of any palpable and positive reason, every one will form his own conjectures on the subject. For my own part, I have had various opinions, as new circumstances came to light. When I first heard the woman relate her story at the police office, I thought it probable, that instead of going to church, she had imprudently got into the company of some loose young men, with whom she had been spending the afternoon; and that either by drinking more than she was accustomed to, or by the mischievous pranks of her companions, she had "got into the pond," and, becoming wet and muddy, she could not return home, in that plight, and tell the real truth, without subjecting herself to lose her situation, and her character; and she had; there-

fore, made up this story, of following the thief, and being ill-used by him and his companions, to excuse herself, and account for the state she was in, and her being absent from home till so late an hour; and that she did not contemplate or consider the dreadful consequences that would result to the prisoner, by her falsely accusing him. This opinion was a good deal confirmed, from the expressions, which seemed to come from her unawares, and without consideration, as to what the people might suppose, who saw her, namely, "that she was walking arm-in-arm with friends;" and I could not help believing, that she had been walking in the London-field, in a friendly manner, with some men. At other times, I have thought it possible, that the prosecutrix, who is represented as a woman of weak intellect, might have been deranged; and, operated upon by delusion, had fancied things to have occurred, which originated only in a disordered imagination; lately, however, on becoming acquainted with what took place, previous to the Sunday in question, I have come to a conclusion, much more injurious to the reputation of the prosecutrix; but, prejudiced as I am against her, and viewing every part of her conduct, as I certainly do, with suspicion, I fear my judgment may be erroneous, and shall, therefore, forbear to press it on the attention of the reader; I shall, however, state the facts, and leave him to form his own opinion.

The prosecutrix, I understand, is not immediately in the service of Mr. Hale, but is engaged by Dale, his foreman, who resides in the house, where the business is carried on; and she does the domestic work of the house, and also works in the warehouse, in which there are many young persons employed, throughout the day, excepting the time they go home to their meals.

On Friday evening, the 24th of September, the prosecutrix was sent with a basket of fruit, as a present to a friend of her master's, and on her return, she made the following curious communication—"A fellow is lurking about the door, he looked at my basket very hard; says I, you may look! what are you looking at my basket for? to which he said, do you take me for a thief?"—and she intimated, that she thought this man could not be about any good. Her master thought the man might, perhaps, be waiting for some of the girls, that worked in the factory, and took no further notice of the matter. On the following Monday, the 27th September, Mr. Hale left his factory, about one o'clock, when the work people went to dinner, at which time all was safe: but, when the people came back, about two, it was discovered that the warehouse had been robbed of near £300 worth of silk; and then, but not till then, the prosecutrix stated, that about half an hour before, she had seen the same man, whom she had noticed on the Friday, coming down the stairs from the warehouse, with a bag over his shoulder; that thinking he was one of the dyer's men, or persons who visit the factory, she had no suspicion of him, and as the dog seemed angry, and disposed to bite the man, she held the dog while the man went past, and by this means saw his face, and recognized him as the same man she had seen on the Friday, so that she should be able to swear to him, whenever she saw him. This account it appears was readily believed, and she accompanied the officers to the resort of thieves, to find out the man, but without success. On the subsequent Thursday or Friday, and consequently a day or two after she had been at the skittle-ground with the officers, she produces a letter, evidently written by a female, with the post mark of Brick-lane

upon it, which letter, I understand, is to the following purport:—

“SARAH DREW, I once worked in the same factory as yourself, and now live with the man who committed the robbery at Mr. Hales’s, and if you trouble yourself to go about with the officers, to point him out, you shall be murdered.” It went on to use many dreadful imprecations of vengeance, if she dared to give information, or evidence; and concluded in these words, “you may do what you like, we will do what we can.”

The man who can be imposed upon, to believe this flimsy and absurd tale, and who cannot see through its shallow artifice, must be weak and credulous indeed; and I should consider him fit only to become a disciple of Joanna Southcott, or Prince Hohenloe. In the first place, it is most unlikely, that the man who contemplated committing the theft, should unnecessarily obtrude himself on the notice and observation of one of the persons in the house, not only by allowing himself to be seen loitering about the premises, but by entering into conversation, and asking the question, “whether he was suspected of being a thief?” Next, I cannot think it possible, that she should allow this man, whom, three days before, she suspected to have dishonest intentions, to come from the warehouse, and to pass out of the house, with a loaded bag, at a time too, when she knew there was no one in the factory, to deliver out goods, not only without making any alarm, or giving the least notice to her master, Mr. Dale, but actually assisting the man’s departure, by holding the dog, which, she says, was disposed to intercept him. Thirdly, I am unable to reconcile the story of the anonymous letter. It is curious that her christian

and surname is known to the thieves—servants being generally called and known only by their christian names; and it is not uncommon for the masters and mistresses of families, to be unacquainted with the surnames of the females who live in their service; but this is of minor importance, compared with the absurdity of the thieves arranging a plan to decoy her away, to murder her, and written her a letter, two days before it is to be carried into execution; which ought, and certainly would, with persons of ordinary nerves, have had the effect of defeating their object.

This extraordinary letter I have never yet seen, nor did I hear of it until the night before Harris was executed. For what honest purpose it was suppressed, at the examinations, and on the trial, I cannot imagine, but if I had been apprised of the circumstance, in the commencement of the investigation, and allowed to examine the papers on which it was written, I feel little doubt but with the aid of the persons interested, I should have been able to trace and discover the author.

When I first heard of this anonymous letter, I know not which most excited my astonishment, that such a shallow artifice should succeed in misleading Mr. Hale, or that so important a document, for elucidating the whole affair, should have been kept back, or considered as of so little consequence, as not to be even reverted to, or remembered by those interested in conducting the prosecution; for I have been credibly informed, that a few days after the unfortunate man was executed, a gentleman called on the Committing Magistrate, at the Police Office, and asked permission to see the anonymous letter, when the latter seemed unconscious that such a letter was in existence. One of the officers, actively employed in the prosecution, was, therefore, referred to,

and the gentleman experienced considerable difficulty, before he succeeded in bringing to this officer's recollection, the knowledge of such letter; at last, however, the officer did recollect it, and, by the magistrate's desire, it was the next day produced, for the inspection of the gentleman alluded to,

I feel, as I have before expressed, an anxiety not to press my belief and opinions on any one, lest it should be founded in error; I, therefore, only put the following statement, hypothetically, without desiring or wishing the reader to adopt it. If Sarah Draw was aware that some friends of her's intended to plunder the ware-house, that she afterwards allowed the goods to be taken away, while her master and the work-people were absent, that to avoid their detection she was to represent herself as having seen the thief go out with the property, and, to prevent suspicion falling on herself, and the real thieves, it was arranged that she should be threatened with murder for the part she was supposed to be taking to discover them. That, instead of going to church, on Sunday, she met her associates, and, for the purpose of removing all suspicion from them, and casting it on regular thieves, it was arranged that she should walk a little way into the pond, so as to wet her clothes, and when found there, to describe herself to have been decoyed to the spot, and ill-used and robbed by the man whom she had seen at her master's, and his companions. If such a combination of occurrences could be presumed to have taken place, the whole mystery would be solved; the situation in which Sarah Draw was discovered would be accounted for; and nearly the whole of her conduct and her story would be rendered plain and intelligible. Having said so much respecting the motives and the conduct of others, it will be necessary that I should

offer some explanation as to my own ; especially, as I understand, they have been very much mistaken, in some instances ; and, in others, grossly misrepresented.

FIRST. It has been asserted, that I am actuated by vanity ; and, merely to gratify a passion for notoriety and a spirit of opposition, that I obtrude a speculative opinion on the world which I do not myself believe.

SECONDLY. That all discussion on the case ought to be reprehended, because, even if the innocence of Harris can be made apparent, the discovery can only tend to wound the feelings of the Jury, and those engaged in the prosecution, without the possibility of bringing the man again to life.

THIRDLY. That the only visible object for impeaching the verdict, must be to save the accomplices of Harris ; and, that I am, no doubt, well paid for my exertions.

FOURTHLY. That Harris was a bad fellow, and, therefore, although innocent of this crime, no great harm was done in removing him from society.

LASTLY. That I must have been culpable in neglecting to make known the facts now disclosed ; for if one-tenth part of them had been communicated to the Executive Government, the innocence of Harris would have been so apparent, that he would never have been executed.

As to the first imputation, I consider it scarcely worthy of notice, those who know me best, will, I think, fully exculpate me from the charge of vanity, or pertinacious and obstinate opposition ; and will readily believe, that I would not pledge myself to an opinion which I did not firmly believe to be true. As to notoriety, it is the last thing I could have occasion to seek for, because, if I were weak enough to be pleased with it, my professional avocations, and not my own desire,

has brought me sufficiently before the public to gratify any man who had not the same inordinate passion to excite public attention as Ex-Sheriff Parkins. And as to the innocence of Harris, I offer no *speculative* opinion, I *state facts* and arguments, which, I think, conclusively prove the position I maintain.

Although inimical to the severity of our criminal code, and considering capital punishment, in many instances, not only cruel, but inefficacious, for the prevention of crime, still, however, I am no advocate for withholding it, where brute force accompanies robbery. Had Harris, therefore, in my opinion, been guilty of the cruelty imputed to him, I would not gratuitously and voluntarily have taken any pains to prevent him from suffering the punishment he would so richly have merited, and no consideration should have induced me so far to step out of the strict line of my professional duty, as to have advocated his cause in the manner I have done. This explanation will, I trust, refute the insinuation that I have any sinister motive for the part I have taken.

As to the second allegation, whatever may be said by prejudiced and fastidious persons, I am of opinion, that fair and liberal discussion, even on the verdicts of Juries, ought rather to be encouraged than condemned. No man has a higher opinion of an English Jury than myself, nor can any one regard their office with greater veneration; I consider trial by Jury as the best and surest safeguard for every thing that is dear to us; and I have generally found, that, if they err at all, it is on the right side, namely, that of *mercy*; but I should hope the day will never arrive, when no one shall dare to question the correctness of their decision. It is not because twelve men deliver an opinion from a jury box, that it is necessarily infallible. It often happens

that great differences of opinion exist, and that those who are best able to bear privation, succeed, over their opponents, more by bodily strength than by the force of argument, and the majority may yield from exhaustion to a verdict which their judgments do not approve. A consciousness, however, that their decisions are liable to be discussed, like the public acts of the rest of mankind, will have its effect on obstinate jurymen, and render them tenacious in discharging their duty, when, if they were under no such control, and considered that the propriety of their conduct dare not be questioned, they would, perhaps, become careless, indifferent, and arbitrary.

With respect to the Jury, who tried this unfortunate man, I have already disclaimed any intention to find fault with or impute the slightest blame to them. I am persuaded they acted most conscientiously, and that, like most of the audience, they were indignant at the brutal treatment which the prosecutrix stated herself to have received from the prisoner and his associates; and, believing her story, they most properly found the prisoner guilty. Nothing is more remote from my intention than to wound their feelings, and, I trust, that no such effect will be produced by this investigation. If I satisfy them that Harris was perfectly innocent, they will, doubtless, feel regret, that they should have been imposed upon; but, if they have a proper regard for the administration of justice, they cannot regret, that the imposition is discovered. As to wounding the feelings of the prosecutrix, or those whose blind weakness, culpable negligence, or wilful taciturnity, in withholding facts, contributed to the conviction, I am perfectly indifferent; no honest witness can be offended or hurt by any sentence uttered by me; but, I feel no disposition to withhold the

truth, because it may touch the consciences of some, and be unpalatable to the ears of others.

Although the elucidation of the man's innocence cannot bring him again to life, and in that respect is certainly unavailing, still I consider that the investigation will have a good moral influence. If this story were permitted to pass current and unheeded, wicked people, encouraged by its success, might be induced to fabricate similar, or more consistent tales, to involve in jeopardy the lives of their fellow-creatures; but the certainty that falsehood, although for a time successful, cannot long remain concealed, would induce them to shrink from the experiment; it will also teach people, and particularly police officers, to examine with an impartial feeling any extraordinary tale that may be intrusted to their investigation; that it is as much their duty to protect the innocent, as to detect the guilty; and, that if they swerve from this principle, and allow prejudice or feeling to warp their judgments, that their conduct is likely to be severely scrutinized and exposed. Thus a good end will be attained, by affording security to others, notwithstanding Harris's life cannot be re-called.

I was surprised to find an intelligent professional gentleman, who is an intimate friend of Mr. Hale's, amongst the violent declaimers against any investigation that tended to impeach the veracity of the prosecutrix. Such conduct he considered highly reprehensible; and, although he was kind enough to say, he did not wish me personally any harm, he hoped the Attorney-General would interfere, and institute a prosecution, for the sake of example, to prevent others from attempting to impeach the verdicts of Juries, and the evidence of witnesses, who had been believed by them. I replied, that so anxious was I to have the

subject judicially investigated, that I should not regret being myself prosecuted, if it were only to afford me the opportunity to take an intelligent Jury to view the spot, and then bring the woman into the witness-box to be examined before them; at the same time I added, that nothing should deter me from eliciting the truth, and performing, what I considered, my duty; and until convinced by something more than threats of prosecution, I should certainly persevere.

I hope, in justification of my conduct, it will not be improper to observe, that humble as my situation is in my profession, I am bound to use my utmost exertions, however feeble they may be, to see the law fairly and justly administered. I have hitherto done so; and I should consider myself guilty of a gross derilection of duty, if, conscious and convinced as I am, that the law has been most shamefully abused, and made the instrument for sacrificing a fellow-creature, I neglected to expose the imposition, and the parties engaged in it.

On the third point, a very short answer will suffice. The reader will perceive that not the slightest effort is made to exculpate any one but Harris; and if, in doing this, I show, that the whole story of the prosecutrix is untrue, a good end is perhaps effected, because it may prevent others from being involved, in an ungrounded charge, and it may induce Mr. Hale to turn his attention to those whom he may have about him, and see whether he cannot discover who stole his silk. With respect to interested pecuniary motives, I have only to observe, that all that I received from the prisoner, or his friends, was £12, which was expended, in employing two counsel, subpoenaing witnesses, &c. That, for my labour, I have not, nor would I receive any reward, and that I have expended many pounds from my own pocket, in

obtaining information, and endeavouring to discover some facts, which are yet enveloped in mystery. And to evince my anxiety for a full developement, I engage to give a reward of £50, in addition to the £50 offered by Mr. Hale, to any person who will discover, and bring to justice, the person or persons who purloined the silk. I will give the same reward to those who will impeach, and bring to justice, the author of the anonymous letter, addressed to Sarah Drew; and I will liberally reward those who furnish me with information likely to lead to these discoveries. Moreover, if any one has been concerned, with accomplices, in the above acts, and will surrender, and give the necessary information against them, I will use every possible exertion to obtain for him, or her, his Majesty's free pardon.

As to the fourth assertion, I admit, to the fullest extent, the bad character of Harris;* but as he himself, as I am told, while under condemnation, frequently asked, "Is it right to hang a man because he has a bad character?" If it were once to be allowed or tolerated as a principle, that it is a matter of indifference, whether a man, of bad reputation, is innocent or guilty of the offence, for which he is doomed to suffer the extreme punishment of the law, inasmuch as society would, at all events, be benefited by his removal, the mischiefs that would follow are dreadful to contemplate. It would, then, only be necessary, to load a man with obloquy to insure his conviction of any offence—the innocent would be confounded with the

* Although Harris was a professed thief, I understand that he was never known to commit an offence of a desperate character, or one that was likely to endanger his life; and he has been frequently heard to say, "*I will take care never to go above the shoulders.*" Meaning that he would never run the risk of being hanged.

guilty; and, as every one who mixes in society must know the ease with which falsehood and slander is propagated, and the difficulty with which unfounded imputations are removed, men of moral principle might be sacrificed, with nearly as much facility as the incorrigible offender; the witnesses against a bad man would reconcile it to their consciences that they need not be over scrupulous; for, if they were even mistaken in their testimony, no great harm would be done by convicting a person injurious and obnoxious to society. I admit, that if a man of bad character is unjustly condemned, his fall ought not to excite our sympathy in an equal degree as if he had been an honest and virtuous man; but, in the eye of the law, no distinctions of this sort are, or ought to be allowed; and if, once admitted, our present boasted trial by Jury would sink into contempt and insignificance.

As to the last imputation, I am able to offer such explanations, as will at once remove every idea of my having neglected the interests of my unfortunate client, and show that nothing was left untried, on my part, to avert his fate. From the observations I made, at the police office, on the prisoner's examination and commitment for trial, I anticipated that no exertions would be spared to obtain a conviction, and as the case was one of so serious a nature, and firmly believing the charge to be groundless, I felt more than ordinarily anxious, and that anxiety was not lessened on discovering that the prosecution was conducted by the clerks of the police office, who had been employed in taking the evidence against the prisoner; therefore, although very much occupied at that time, with the case of the unfortunate Mr. Fauntleroy, and although Harris's defence was under the care of Mr. Butler, my principle crown law

clerk, who is an intelligent and honourable young man, I still gave considerable personal attention to it; and my opinion of the man's innocence not being changed by the conviction, I considered myself imperatively called upon to use every possible exertion to save his life; and I now feel quite satisfied, that I faithfully performed my duty.

The report of the trial in the newspapers having excited the attention of some gentlemen who knew the place where the supposed outrage had been committed, they set about an inquiry, Mr. Butler assisted, and prepared depositions for such persons as appeared to know any thing material on the prisoner's behalf, and procured them to be sworn. The following is the substance of the affidavits:—

DINAH ADAMS made oath that she had been a pew-opener at Shoreditch church for the last twenty years, and attended in that capacity on Sunday, the 3rd of October last, during the afternoon service, when the Rev. Mr. Mortimer preached a Charity Sermon. That the service was over by half-past four, or, at the latest, twenty-five minutes before five o'clock.

HENRY LONGLEY, of Thurlow-place, Hackney, gentleman, residing with his father, at the same place, who is a stock-broker, deposed, that between half-past five, and six o'clock in the evening of Sunday, the 3rd of October, he entered the London-field, by the Cat and Mutton public-house, on his way to Dalston and had only got about about twenty yards within the field, when three lads, about eighteen or nineteen years of age, apparently journey-men weavers, in company with two girls, insulted and called him names; he remonstrated with them, and passed on, they, however, continued to annoy him, until he was at last provoked to collar and knock one of them down; the other two placed themselves in fighting attitude, and he struck one of them. That this scuffle kept them stationary nearly a quarter of an hour, when two Quaker ladies passed by, and then a respectable young man came in a direction from the pond, and remonstrated with the lads and girls,

which gave deponent an opportunity of proceeding on his way. The party, however, followed, all of them making remarks on his dress; and to avoid further insult, and getting again into a personal contest, he seated himself on the railing close to London-terrace.— They stopped also for some time, but at length finding deponent remained quiet, they walked away in a direction to the pond. Deponent afterwards pursued his walk, and overtook them close to the pond, when they went straight forward towards the Red Cow, and he crossed the field by the diagonal path. That just as the before-mentioned scuffle ended, deponent saw Mr. Stretton and a female standing near him, that he also saw several people in the London-field, walking in different directions. That he never saw any other female than those he has described on the path in question, while he was upon it, and that no such occurrence could have happened, as Sarah Drew described, while he was upon the path, and it must have been as late as six o'clock when he arrived at the pond. That deponent saw some of the inhabitants of London-terrace at their windows, and if there had been such an occurrence, or had she made the least noise or resistance, those inhabitants must have noticed it.

WALTER PRIDEAUX, a clerk in the Bank of England, made oath, that he resided with his family, at No. 3, London-terrace. That on Sunday, the 3rd of October, he was sitting in his front parlor, which is within a few yards of the foot-path, along which Sarah Drew stated herself to have been dragged, and near the spot where her pattens were found, and had any resistance been made by her, or had she called out for help, he must have seen and heard her. *(The deponent went on to describe the publicity of the spot, and the number of paths, as heretofore mentioned, and concluded by stating)* That on the morning following, a day of almost continual rain, in the month of November, he measured the depth of water in several places in the pond in question, by attaching an iron-weight to a piece of string, and in no part was the water more than two feet two inches in depth.*

* Mr. Prideaux has since mentioned to me, that he has a Newfoundland dog, which went very often into this pond, and that he never observed the water sufficiently deep for the dog to swim.

ELIZABETH HARRIS, the wife of the prisoner, made oath, that on Sunday, the 3rd of October, her husband dined at home, and did not leave until nearly half past eight o'clock in the evening.

With these affidavits, and a petition which I had prepared for the prisoner to his Majesty, a sketch of the London-field and the pond, and a printed report of the trial, I waited on the Secretary of State. Mr. Peel condescended to give me an audience, and with great patience and attention allowed me to go through my observations and remarks on the case, and to point out the prominent inconsistencies and contradictions of the prosecutrix's evidence; at Mr. Peel's request I left him the rough plan I had myself made of the spot, and came away persuaded in my own mind, that the Right Hon. Secretary coincided with me in opinion, as to the incredibility of the woman's story; and learning that further investigations were to be made into the case, I felt satisfied that the man's life was safe, because, in my opinion, it was only necessary to inquire, to become convinced of the improbability of the charge.

Being told that the Learned Recorder of London was pursuing some inquiries, I waited on that gentleman, and although I was unable to succeed in convincing him of the fallacy of Drew's evidence, I found that he entertained doubts whether the *alibi* might not be true; whereupon I explained the manner in which the witnesses had been discovered and brought forward, which I thought would convince him that their testimony ought to be believed.

In the course of my inquiries, I was happy to find that an intelligent gentleman, belonging to the Corporation of London, was also interesting himself on behalf of the prisoner. This gentleman had been induced to commence his humane investigation, solely

from reading the trial; and finding, as he proceeded, his opinion of Harris's innocence more strongly confirmed, he persevered in his exertions, if I may be allowed the expression, up to "*the twelfth hour*." But it may be proper to explain, that the part taken by this gentleman was entirely his own; or at least without any consultation or communication with me. I merely met him once by accident at the pond, and entered into a short conversation with him; and although I afterwards heard that he had minutely inquired into the facts connected with the *alibi*, and written thereon to the Secretary of State, I was wholly unacquainted with the particulars of his communication, and did not again see him until we accidentally met at the Old Bailey, the night before Harris suffered.*

Considering that the party with whom Mr. Longley had been engaged might probably throw important light on the subject, as they had been on the spot so close to the time when the prosecutrix says she was ill-used, I advertised, and placarded and distributed bills about Hackney, Spitalfields, &c., soliciting either of the five persons to call on me, as their information might be the means of saving the life of a fellow-creature, and offering to pay them handsomely for their trouble; but up to this day I have neither heard from, nor been able to trace, any one of those individuals.

I had certainly entertained a strong suspicion that Sarah Drew might have been one of this party, or in some way connected with them, because, it was *at that precise spot* where the young women stood, while their male companions had the altercation with Mr. Longley, *that Sarah Drew's pattens were found by Mr. Wood;*

* I have since learnt, that this gentleman prepared, and transmitted several affidavits to the Secretary of State, on behalf of Harris.

and as not one of the five has since come forward to offer any explanation, my suspicion has never been entirely removed: although it has been ascertained that Sarah Drew was not one of those two young women who stood there during the dispute.

The advertisement produced a communication from Mr. Paine, which completely confirmed Mr. Longley's statement as to the time he was on the path in the London-field, and his quarelling with five people. I therefore prepared his affidavit, which was sworn, and transmitted to the Secretary of State. It is my duty here to mention, that on my suggesting to Mr. Osborne, the Committing Magistrate, a desire that Mr. Longley and Mr. Paine should be allowed to see the prosecutrix, that gentleman most readily granted the request, and appointed a time when she should be at the police office, and she was produced there accordingly.

Although, as I have before observed, *inquiry* was all I desired, yet if it was to be instituted, it would have been so far candidly conducted as to have been open to all those who had disinterestedly embarked in the investigation, and I confess I was a little mortified and disheartened to find that the inquiry was confided to the Worship-street establishment; that the prisoner's memorial and all the affidavits were transmitted to that office; and that any further communications, on his behalf, were expected to be addressed to Mr. Osborne, who, as I understand, was to make his report on the whole case to the Secretary of State.

Now, although I allow that Mr. Osborne is a gentleman of the highest honour, integrity, and humanity, and admit that he possesses great legal and intellectual acquirements, still, I consider that he was not the person to whom this reference ought to have been made. *The requisites* to elucidate a case of this sort,

are not to be attained by a college education, or reading at chambers; an accurate knowledge of the habits and manners of the lower classes was required, and this can only be obtained by long observation of real life, by studying men, and not books. With respect to Mr. Osborne, he had very recently been appointed to the police, this being, I fancy, nearly his first committing case; and from the superior class of society with whom Mr. Osborne had previously been associating, he could have had but a very superficial knowledge of the ingenious and plausible artifices to which men, in the lower departments of life, resort, to effect their object. He, doubtless, entertained a good opinion of all about him connected with the establishment, and put more confidence in their representations than in his own judgment. A gentleman of his excellent heart and good understanding, is generally diffident in a new undertaking, and he was, therefore, the more easily to be misled or imposed upon, by deferring to the opinion of others, rather than depending solely on his own. Besides, without any impeachment of his integrity, he must have been presumed to have a prepossession against the prisoner. He had, when the charge was first made, sent Harris to close and solitary custody for a week, a proceeding very seldom resorted to, and at the end of that time, without hesitation, fully committed him for trial; and he had allowed the clerk of the office to conduct the prosecution. The reputation of the establishment also was, in some measure, implicated; nearly all the officers had, in one way or another, been concerned; they had claimed great merit for their ingenuity and perseverance, in successfully bringing a daring offender to justice; and it would, of course, be a sad reverse, not only to withdraw the credit they were receiving, but to impeach their in-

talent and discernment, if not their integrity. For these reasons, it appeared to me, that the selection, both as respected the Magistrate and the Office, was injudicious; and I did not hesitate to express that opinion at the Secretary of State's Office, on discovering that my efforts had been counteracted by some statements and affidavits transmitted from Worship-street, the particulars of which had been kept entirely secret from me; and I certainly considered it was not quite candid and liberal to hand all the documents in favour of my client, to the scrutinizing ordeal of those who had been most active in getting up the prosecution, so as to afford them the opportunity of explaining away the facts, urged on his behalf; or, obtaining affidavits, *in secret*, to uphold their own conviction. If it was thought necessary to refer the subject for investigation to the police, surely it ought to have been entrusted to the experienced magistrates and officers of Bow-street, or some other establishment, and those interested for the accused ought to have been acquainted with the proceedings; then, whatever might have been the result, the world would have been satisfied. Had such an experienced and discerning magistrate as Sir Richard Birnie, applied his acute and penetrating mind to the investigation, and determined against the unhappy man, I doubt very much whether, I should have ventured to oppose my judgment to his; at all events, I do not think I should have obtruded my opinion on the attention of the public.

Mr. Osborne, in his anxiety, no doubt, to possess himself of every information previous to making his report to the Secretary of State, wrote me two or three times, to know if I had any additional information, or papers, to submit for consideration, on behalf of Harris; and I have no doubt, if any new fact had arisen,

and it had been communicated to Mr. Osborne, that he would have attended to it: it so happened, however, that nothing new had occurred; but anxious to seize every opportunity to establish the prisoner's innocence, and save his life, I waited on the magistrate, at his chambers, and fully explained to him my opinion, and view of the case. And having now done all that was possible, I awaited, without feeling any serious apprehensions for the prisoner, the determination of the King in counsel on his fate.

On learning that Harris was ordered for execution, I was exceedingly shocked; and hoping there might be some point capable of elucidation, I went to the office of the Secretary of State to endeavour again to see Mr. Peel, and offer any further explanations in my power, to gain, if possible, a respite. Mr. Peel was not at the office, but I saw Mr. Hobhouse, the Under Secretary of the criminal department, to whom I communicated all the information I possessed, respecting Sarah Drew's own account of the transaction and the contradictions which it received, by the affidavits of Mrs. Adams, Mr. Longley, Mr. Prideaux, &c. I then adverted to the *alibi*, and was surprised to hear from Mr. Hobhouse, that Eliza's evidence had been most completely refuted by the affidavit of a *respectable lady*, named Cliff, who had deposed, that, being unwell on Sunday, the 3d of October, the girl, Eliza, had attended her throughout the day, and until a late hour in the evening, and consequently could not have been purchasing apples at Marshall's, nor have seen her father at his window, as she had sworn on the trial. Mr. Hobhouse, however, told me that inquiries were then going on, that the facts I had communicated, should be duly considered, and I still entertained hopes that at all events a respite, would be granted. This inter-

view was on Saturday morning, the 19th of February, and the execution was appointed for the Tuesday following.

In the course of Monday, I made several anxious inquiries, to ascertain if any orders had arrived at Newgate, to postpone the execution, and between eight and nine o'clock at night, I met the gentleman, to whom I have before alluded, and then, for the first time, heard of the anonymous letter, which appeared to me sufficiently important to justify my again waiting on the Secretary of State. I accordingly went with the gentleman to the House of Commons, and waited in the lobby, till the House broke up, but not seeing Mr. Peel, I went to his residence, and was granted an audience. The Right Hon. Secretary was evidently displeased at my visit; and, on my entering, put the question to me "Whether I could be justified in importuning him again on this subject, and distressing his feelings unnecessarily?" I answered, that the urgency of the case must be my apology; and as the object was to save the life of a fellow-creature, who was about to suffer for an offence he never committed, I trusted that my obtrusion, even at that late hour, would be excused. That considering the character of the individual, I could have no wish for his restoration to society; and should be happy to hear of his dying a natural death before the morning arrived; but for the just and due administration of the law, I felt deeply interested, and, on that ground, I implored the Honourable Gentleman to interpose and stay the execution. Mr. Peel then condescended to hear what I had to offer respecting the anonymous letter, and a conversation ensued on the subject of the *alibi*, in the course of which, he mentioned the affidavit of Mrs. Cliff, as conclusive against the genuineness of that defence,

and, in conclusion, said, that twelve men had decided on the case, in the first instance; that great pains had been subsequently taken to investigate it; and that, as all the facts had been laid before his Majesty and the Privy Council, when the Recorder made his report, he could not think of interfering with their decision. It was, therefore, not until near twelve o'clock, on Monday night, that I relinquished my exertions and my hopes; and obtained the decisive answer which convinced me that the fate of my wretched client was irrevocably fixed.

I have, perhaps, been more minute than interesting in the latter part of my narrative; but insinuations having been thrown out that I had neglected to exert myself for the man while alive, in order to have an opportunity of exciting sympathy for him, and casting odium on his prosecutors after his death, I have thought it necessary to show the measures and steps I took; and the candid reader will, I trust, readily acquit me of the illiberal and unfounded imputation.

I shall now proceed to show that the conduct of Harris, while in prison, and in his last moments, strongly indicated his innocence. From the day of his conviction, the 29th of October, until the morning of his execution, on the 23rd of February, he had been confined in the cells; and to the clergymen, the sheriffs, the keepers, and every one about him, he had uniformly and consistently asserted his innocence, and many of his fellow prisoners, who have been questioned as to their belief on the subject, have declared, that they firmly believed him to be so.

Late in the evening before he suffered, my clerk, Mr. Butler, went to him by my desire, to make some inquiries, and was with him for nearly an hour, during which time he frequently protested that he was not

concerned in, nor in any manner connected with, or privy to the stealing of the silk, nor to the ill-usage of Sarah Drew; and, in a previous interview, he went on his knees, and in a solemn and devout manner called God to witness that he was entirely innocent.

The night before he suffered, the following letters were written for Harris by Henry Durham, an intelligent and interesting youth, who was to undergo the same awful sentence with him:—

Newgate Condemned Cells, Feb. 21, 1825.

MY DEAR WIFE, AND CHILDREN ALL,

I take now the opportunity, with an aching heart, to bid you a last farewell. It is not for myself I grieve, it is that I leave you destitute to a merciless world, with the shame upon yourselves of my infamy and ignominious death. Yet recollect your husband and your father died on conviction of a crime that he never committed: and that reflection will, in a little measure, relieve your distressed minds, although I am well aware it will not relieve the ensuing distresses. The only consolation you can receive is by a true and stedfast trust in God. *He, alone*, can be a Father,—*He, alone*, can be a Husband,—*He, alone*, can relieve your present distressed minds, and your future wants. Look not for happiness in the things of this world, the only method to attain that is by strictly walking in the paths of righteousness. Trusting you will ever recollect that this is the advice and last injunctions of a dying husband, of a dying father.

When writing this, you have the pleasing knowledge that I am as happy in mind as any person can be;—whether I derive such from the knowledge of innocence, or from the hope and stedfast faith in God, I know not; but he alone it is that can support us under all afflictions and troubles,—and I trust he will me in the trying hour of death. Keep your hearts and minds in the knowledge and love of him, and your reward will be the enjoyment of eternal felicity in his everlasting kingdom.

You, my dear children, Edward, Elizabeth, and Nancy, whose youthful and weak minds are more easily entrapped in the snares of this wicked world, you do I more particularly warn of the dan-

ger of bad company, by keeping which you may as well be guilty of bad deeds.

Always mark your company well,
By keeping **BAD** your *Father* fell!

You, my dear wife, I can but thank for all the cares you have shown me, more so since my confinement, and I trust you will be rewarded hereafter. And although you may not be able to protect our dear children through this wide world, you can advise them for the best, and instruct them in the paths of rectitude. I cannot say more, than that I most earnestly recommend you **ALL** to the care and protection of that Almighty Being into whose presence I am about to appear. With the sincere hope and trust that he will guide you through life, and in the last hour take you to himself.—
This is the last prayer of

Your affectionate, but unfortunate

Husband and Father,

EDWARD HARRIS.

Condemned Cells, Newgate, Feb. 21, 1825.

MY DEAR MOTHER,

I cannot, considering the filial duty I owe, resign my last breath, without first bidding you an eternal farewell. I am called to another world; and however innocent of that charge which I am convicted of, I am bound to bend to the strong *arm* of the *law*; and therefore can only say—the Lord's will be done. That you have ever done a mother's part and a mother's *duty*, I gladly and affectionately acknowledge; and for that part of more particular attention which I have experienced from *you*, since incarcerated within these gloomy walls, I have to express my sincere gratitude. I conjure you, by the tie of friendship and relationship that *does* and ever existed between us, not to distress your mind on my unfortunate account; for believing that I shall be happy; it is a sufficient recompense for my loss. I am well aware it is not in your power to assist my family in a pecuniary way; but to impart and impress God's precepts to them, is what I more particularly request. I have wrote to them and expressed my last sentiments, and given to

them that advise which I thought most advisable;—that they will follow it, and whatever you may add, is my most sincere wish. Recommending you, then, and my dear wife, to the care of that Omnipotent Being who rules all things, I bid you an eternal farewell in this world, and in the full hope we may meet in the next, where you may enjoy eternal felicity, is the sincere wish of,

Your affectionate but unfortunate Son,

EDWARD HARRIS.

I consider that no man who could dictate, or allow such letters to be written in his name, at such a trying and awful period, could be guilty of the offence which he therein so solemnly denies. There is also this additional test of the truth of his declarations, Durham had been a considerable time confined in the cells with Harris, and from the close friendship and sympathy which attaches the partners in misery to each other, their secrets, at least so far as regarded the cases for which they were to suffer, were doubtless mutually imparted. Durham was exceedingly contrite, and well conducted, and unless he had been convinced of the innocence of his fellow-sufferer, he would not, when so near his end, have allowed himself to be withdrawn from his own religious devotions, to write such letters as these.

On the morning of the execution, when the sheriffs arrived, Harris exclaimed, "I am an innocent man; I know nothing about it; if I did, I'd tell, Murder! Murder!"—he then went up to Mr. Sheriff Brown and said, "Indeed, Sir, you are going to hang a man that is entirely innocent, what bad laws ours are, to hang an innocent man:"—then turning to several gentlemen of the press, who were present, he said, "Oh, gentlemen, tell them (meaning the public) that I die innocent; I am murdered! I am, so help me God, as I am a dying man. I know I have been a wicked man,

and a fighting man, and all that; but of this I am innocent. Is it not a shame to keep a man five months in gaol, and then to bring him out, and hang him?" He then dropped on his knees before Mr. Sheriff Brown, and others, who were around him, and, lifting up his hands, and looking upwards, said, "Of this I am innocent, and may I endure everlasting torments, if what I am saying is not true;" and he again appealed to the Almighty. While the executioner was performing his duty on his wretched companions, Harris continued to address those around him, still protesting his innocence, and declaring that it was a *plant* of some wicked wretch, because he was a bad character; and, up to the last moment of his existence, he kept exclaiming Murder! Murder! I am murdered! I am murdered! Some people are of opinion, that the dying declarations of innocence, made by a criminal, ought to be entirely disregarded; I think otherwise; and, although I am not disposed to give implicit credit to the assertions of every man, when on the gallows, I have seldom found the most depraved and hardened ruffians dare the vengeance of the Almighty in their last moments, by calling on his holy name to bear witness to a falsehood. Offenders, who have all their lives shown an utter disregard to all religious and moral duties, have become penitent as their end approached, and would not, on any consideration, quit this world uttering a lie. Harris was a man of this description; he freely confessed, that he had led a sinful life, and that he justly deserved a bad character; and, although rough and uncouth in his manner, I understand, he expressed his firm belief in God, and his hopes of salvation through the merciful intercession of his Saviour; he was, therefore, not likely to exclude himself from all hopes of pardon, by unnecessarily asserting a falsehood with his

last breath, and calling on God to vouch for its truth. His dying words ought, therefore, to be attended to; and, uttered in the solemn manner in which they were, I should have been disposed to give credit to them, in preference to the evidence against him, had it even been far more consistent than it really was.

The conduct of this unfortunate man, in his last moments, produced, as well it might, a strong sensation in the public mind, and to counteract its effects many ingenious artifices were resorted to. In order to afford a ready answer to those who questioned the propriety of the conviction, confessions and circumstances were invented, which, if true, would have removed all doubt of the prisoner's guilt; and, to intimidate any one from advocating his case, it was said, that none but the patrons of pagilism and blackguards, or those who had bad and mischievous intentions, would attempt to dispute the justice of his sentence.

It was, amongst other things, said, "that the prisoner had confessed himself guilty when first taken to the office." On tracing this report, the assertion was qualified by saying, "he had *as good as* confessed," and it was thus explained: that the magistrate, having been newly appointed, and therefore not well aware of his duty, had proposed to discharge Harris if he would send for any part of his family to prove he was at home on the preceding afternoon. That Harris refused this offer, and must, therefore, have been conscious that no such proof could honestly be given. I did not believe a word of this story; and, on inquiry, I found there was not the slightest foundation for the report, no such proposition had ever been made by the magistrate; and so far from the prisoner declining to call his children, he had anxiously wished them to be produced, thinking their evidence would prevent his committal for trial.

It was also asserted, that when taken to Newgate, he had used expressions to Waters, the officer, which, if they did not amount to a confession, could leave very little doubt of his guilt. These expressions I have been told, were to the effect. "that he knew he was as dead as a house; that he would have to come out at eight in the morning, and should not open his mouth." If this is the substance of the words which the prisoner is said to have uttered, I think they are easily explained. It could not be matter of surprise that the prisoner, having just heard the manner in which the prosecutrix had been swearing against him, and also having been told by me the danger of his situation, should have given himself up as a lost man, and expressed himself to that effect. It is, however, most likely that the words were only part of a conversation, and, if so, they might have been accompanied by others that would have made them quite consistent with his innocence. That Harris did not say any thing to Waters that could in the slightest degree militate against him, or be construed into an admission of guilt, I feel convinced. He had, to the Magistrate, to the officers who apprehended him, to Mr. Vickery, to his solicitor, and to every one with whom he had communication, previous to his going to Newgate, declared that he was at home, when the offence was committed; and protested that he knew nothing of the stealing of the silk. On his entrance into that gaol, he uniformly persisted in making the same declarations; and it would be extraordinary indeed, if to this man, only, he should, during the short period he was in his company, have made an acknowledgement, inconsistent and at variance with every other part of his conduct during the whole time of his imprisonment; and the more especially as this man was a police officer, and was on bad terms with

him, they having not many months previously, as I am informed, had a quarrel; surely, then, he was the last man in the world to whom Harris would have made any disclosure, which placed his life in jeopardy; I do not believe he did; I never recollect a case, in which greater anxiety was manifested to succeed than in this, all the strength of the office was employed, or at least six of the principal officers were engaged in it, namely, *Garton, Hanley, Attfield, Vann, Armstrong, and Glead*; and if the Gaoler could have proved any material fact against Harris, would he not have been called on the trial? If Harris had said any thing from which a fair inference of his guilt could be drawn, Waters neglected his duty if he omitted immediately to communicate the fact to the Magistrate, and the clerk who was conducting the prosecution, because by keeping it secret till after the trial, justice might have been defeated; and, is it likely, that Waters would have been culpably remiss to *serve Harris*? I know his shrewdness and his zeal too well, to believe the affirmative, and I cannot for a moment think, that the prosecutors would have omitted to call Waters, if he had told them he could prove any fact against the accused. The whole, therefore, appears to me to be an afterthought, for the purpose of reconciling and sustaining the evidence of the prosecutrix, and, if possible, stifling the inquiries, and answering the observations on behalf of Harris.

Another report industriously circulated by those who felt an interest in supporting the conviction, was, "that Yardley had confessed he was suborned, and paid seven guineas, for perjuring himself." This is so palpable and improbable a falsehood, as scarcely to deserve a word in refutation, and I

should think it would be difficult to determine which deserved the most contempt—those who invented, or those who could believe such an assertion. I knew that Yardley received no compensation even for his lost time; still, however, I thought it my duty to see and question this man, to ascertain if he had in any conversation afforded the slightest ground for this supposed confession, and he solemnly assures me that it is entirely a fabrication; that so far from having received or confessed to have received, seven guineas, he never received seven pence, and that, while attending as a witness, he paid for his own refreshment of bread and cheese, and porter.

It was industriously propagated, that all the prisoner's family had been clearly detected of falshood, in asserting that they had seen him at home, and the circumstance of Eliza being with Mrs. Cliff, was urged as most conclusive against the girl's story. When I first heard of Mrs. Cliff's deposition (on Saturday, the 19th February,) I still asserted my firm belief that the girl's testimony was true, and that Mrs. Cliff, notwithstanding her respectability, might easily be mistaken in the day, considering that her attention did not seem to have been called to the subject till long after, and that the statement of Mrs. Cliff, whose recollection from the lapse of time might not be accurate, ought not to bear down the positive deposition of the prisoner's daughter, whose mind had been directed to the fact, the very morning after she had seen her father at his window.—I cannot now, however, express the astonishment and indignation I felt, when, a few days after the death of Harris, I learnt, that this *most respectable lady*, Mrs. Cliff, is an intimate acquaintance of some of the Worship-street police officers, that her husband

is considered as a candidate for a situation on that establishment, that he is often seen patrolling the streets with them, and that she, Mrs. Cliff, on meeting the officers in the street, has gone to a public-house, and drank with them; and, as a proof of her veracity, she once introduced Eliza Harris to two of these officers, as being her sister. Now, as it was well known long before the trial, that Eliza was to prove seeing her father at his window, and as Cliff and his wife were on such intimate terms with the officers, that they could hardly avoid hearing the fact; why was not Mrs. Cliff produced at the trial, where she might have undergone cross examination? Supposing, however, Mrs. Cliff made no communication until after the trial, would it not have been more satisfactory for some person, on behalf of the prisoner, to have heard her statement, and been allowed to question her as to the accuracy of her recollection, when it might perhaps have turned out, as I have no doubt is the truth, that Mrs. Cliff has applied what occurred on one Sunday to another. Eliza says, that she did pass a Sunday with Mrs. Cliff, when she was unwell, but that it was not the Sunday in question, and that, even then, she was not all the time with Mrs. Cliff, as could be proved by her brother and his young master, who would perhaps also be able to state, though she, Eliza, cannot, the exact Sunday on which she was at their house.

Whatever may have been said or deposed to, by Mrs. Cliff to contradict Eliza, I think, no doubt can be entertained, that the latter is correct, when it is stated that Mrs. Marshall has on her oath asserted that she saw Eliza on Sunday, the 8th of October, come to her house to purchase the apples, she was just going out to tea at the time, and met Eliza as she was

entering. The fact, also, of Eliza being out that afternoon, can be established by other witnesses; so as to prove, beyond doubt or question, that she could not have been at Mrs. Cliff's.

It was mentioned to the prisoner's mother, that Mrs. Cliff was going to make some affidavit against her son, whereupon, the poor old woman, in her natural anxiety for his safety, went to Mrs. Cliff, to ask if there was any truth in the report, and if so, what it was she could have to say in the business? when Mrs. Cliff (as I am informed) said it was all a mistake, and that she might make herself easy, for that she knew nothing against her son, and, if she did, she would not mention it.

Another report was, "that the prisoner's mother had declared she was at home with him throughout the afternoon: when it could be satisfactorily proved that she was over in the Borough all the day." In order to lay any basis or foundation for this report, it should be shown, that the elder Mrs. Harris had made the declaration ascribed to her. It is most true that she was at a friend's, in the Borough, and if she had either before the Magistrate, or on the trial, or, indeed, on any one occasion, said, that she was at her own house with her son, on the day in question, she must have uttered a gross and palpable falshood; but, the poor old woman has never once made such an assertion; on the contrary, she has uniformly stated where she was, and her regret at being unfortunately on a visit, so as not to be able to give evidence to clear her son. Thus, it appears, that falsehoods were assumed to have been asserted, which never were thought of, in order to excite a prejudice by contradicting them.

It was reported and inserted in the newspapers, that a pocket-book had been found near the spot where Sarah

Drew was ill-used, which proved to be Harris's, from having in it receipts for rent which he had paid. This tale, like the others, had not the slightest foundation in truth; he never carried a pocket-book, nor had he any receipts for rent, consequently, none belonging to him could have been found.

It was stated that a barber, opposite Shoreditch church, could prove that Harris was from home in the afternoon in question, because he had shaved him; and I understand that some foolish barber had circulated such a report. It so happened, however, that its falshood could be proved by the man who had actually shaved Harris, on the Monday morning, shortly before he was taken into custody, and who could have sworn, that, from the length of his beard, he could not have been shaved the preceding afternoon. The Shoreditch barber, I am told, was requested to make an affidavit to the same effect as the report he had propagated; but hearing, perhaps, that he could be contradicted, he prudently declined, and said he believed he was mistaken in the Sunday. In order, however, to have all the effect of this man's declaration, it was currently reported, that he had told the truth in the first instance, but had been subsequently bought off by the prisoner's friends, and therefore evaded making the affidavit.

In the course of my experience, I have found that loquacious people sometimes intermeddle with subjects of public interest, and invent some trifling incident to connect themselves with it, and substantiate that side of the question which they advocate or espouse. In the case of Harris, which excited great interest in Spitalfields, there was a contrariety of opinion, and considerable alehouse discussion, as I am told, as to his guilt or innocence; those, therefore, who

were prejudiced against him, and wished to get the best of the argument, by disposing at once of the *alibi*, had only to say, that he had been seen in the Hackney-field on the day in question, and such reports were thus originated and prevalently sent forth; no one, however, while the man was alive, ventured to come forward and swear it, although, as I am told, no efforts were spared to obtain such proof: it was, however, stated by the prosecutors, that it was a well known fact that Harris was near the spot; that he had been seen there by scores of people, but they were all afraid of telling the truth, lest they should be murdered.

In a few days after Harris was executed, and the first part of my observations appeared in the *WEEKLY DISPATCH* Sunday Newspaper, a paragraph was inserted in *THE TIMES*, abusing the deceased, and those who were taking up his case afresh, and asserting that "the friends to this supposed martyr, although agreeing as to his innocence, took different views of the subject, some positively affirming that the assault and robbery never took place; and, that the account given by the prosecutrix was a fabrication; others boldly engaging to produce the man who was the perpetrator of the crime in a short time."

The paragraph then went on to say, that disinterested persons, who were above suspicion, had seen Harris and the other man followed by the young woman in the London-field, on the afternoon the offence was committed; that one of them had actually spoken to Harris; that they had suppressed the disclosure, from conscientious scruples, as to the moral legality of taking away the life of a fellow-creature; and, that it might easily be conceived that a dread of the resentment of Harris's ferocious associates might have produced the

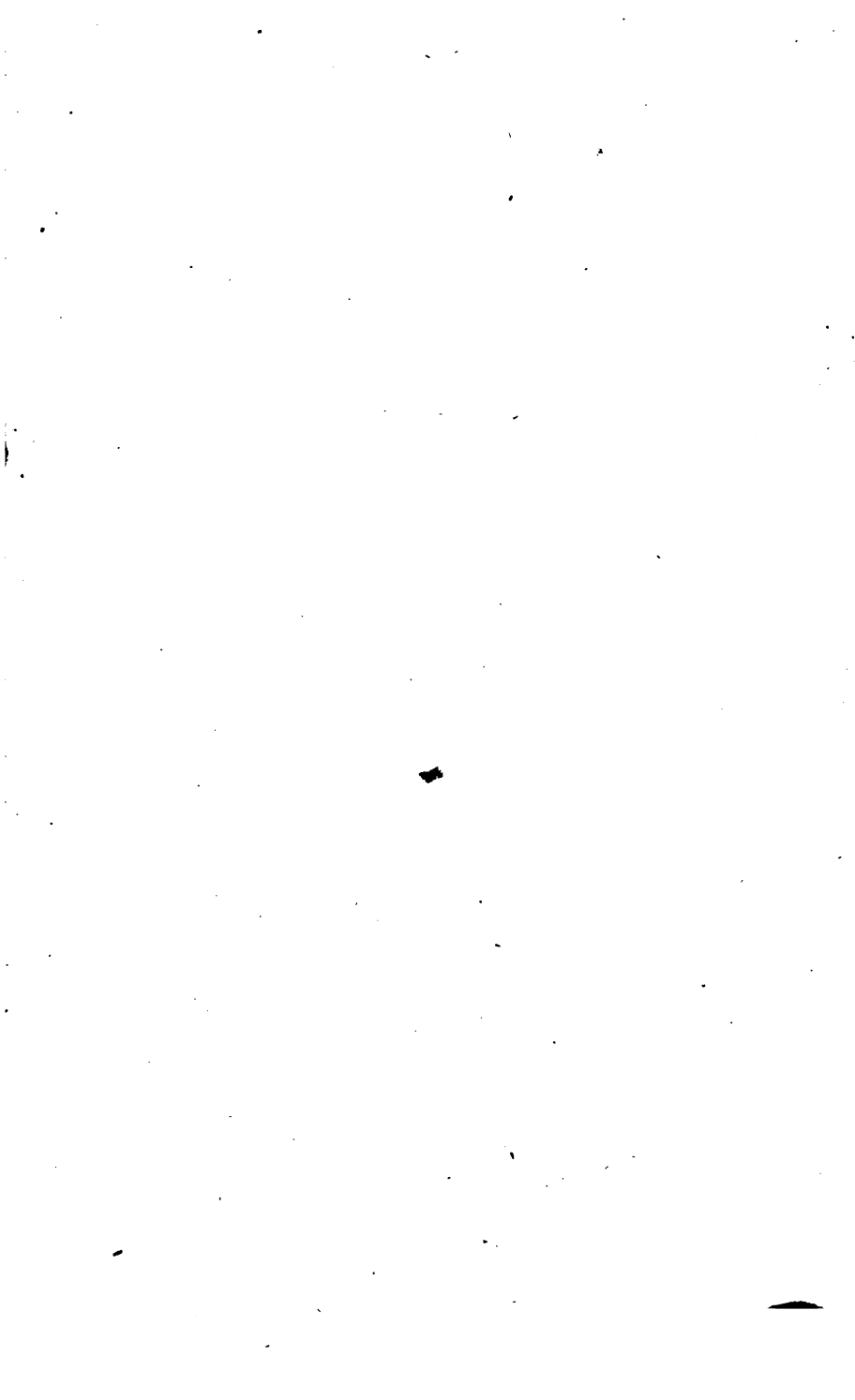
same result; but as the man was dead, these people had made, or were about to make, depositions for the Secretary of State.

The intention and object of the writer of this paragraph cannot be mistaken. It was found that the behaviour of Harris had created an interest in his behalf, and caused a spirit of inquiry, as to the particulars of his case, which, if persevered in, would throw discredit on his prosecutors; in order, therefore, to divert the public from the investigation, it was asserted that even those who espoused his cause, were divided in opinion, as to the belief of Sarah Drew's evidence; and, it was perhaps hoped, that the abuse and insinuations thrown out against those who should attempt to vindicate him, would deter me and others from pursuing the inquiry; I have also received anonymous letters, giving me the names of individuals to whom I might refer, as having seen Harris at the London-field; of these, however, I have taken no notice. If the writers were actuated by good and praise-worthy motives, and a desire to convince me I was wrong, they would not have concealed their names, or declined the trouble of waiting on me; and if they intended to hoax me into a useless inquiry, they have been disappointed in their object. I have, from a most patient and anxious inquiry, formed an opinion on this case, which is not to be shaken by the *mere assertions* of any man, however respectable; I am only to be convinced by facts and arguments; and if the advocates of Sarah Drew will condescend to answer my observations, and show that they are either not justified by the facts, or untenable in principle, I shall most readily acknowledge my error, and apologize for my transgression.

In conclusion, I beg to observe, that, however lament-

able the fate of Harris may be considered, in having suffered the greatest of human punishments, for an offence he did not commit; still, the result, I hope, will produce some beneficial effect, from the striking example it holds forth of the slight tenure by which men, who have once placed themselves in the power of the police, hold their lives, and of the security which honest and industrious pursuits afford against false accusations. No man of good character would have been selected as the object of such a charge; and against no one, but a reputed thief, could it have been successful.

FINIS.









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